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CIRCULAR LETTER.

No. I.

To the Republican Committees of Correspondence.

FELLOW-CITIZENS—So far as we have had any agency, we have conducted the discussion preparatory to the approaching election, in the liberal manner recommended by the Carlisle convention; for, it is in vain that the constitution guarantees the rights of opinion and discussion, if we substitute terms of reproach for argument, or strive to suppress enquiry by denunciation.

The candid, indeed, must confess, that if we had resorted to a severe retaliation for unprovoked violence, we should have been justified in doing so; but, we listened to denunciations, without the smallest uneasiness for ourselves; because, those, who were so indecent as to proscribe us for a difference in opinion, if they reflect at all, have felt the sting of self reproach; or, if they are incapable of reflection, we should pity, rather than be offended.

You will deceive yourselves, fellow-citizens, if you rest your hopes of success at the approaching election, upon any other basis than *the diffusion of correct information amongst the people*; we should, indeed, disdain to do otherwise. Those, whose object is the mere success of a candidate, must of necessity rely upon prejudices and misrepresentations; but we, who aim at the correction of abuses, must seek a triumph that will be permanent and had better not succeed at all, than if we cannot do so by honorable means.

It is our opinion, that abuses will be corrected, and that our candidate will be elected, if the voice of truth shall reach the ears of our countrymen; but this can only be accomplished *by exciting amongst them a spirit of enquiry, and urging them to a patient and rigid investigation*. In order that the people may not be deceived, it is necessary that you should advise them, *not to accept any thing that they hear or read upon trust, but to compare and decide for themselves*. At all times, this is the only safe and honorable course for a people, who desire to be free, or claim to be intelligent: but it is, in our opinion, particularly ne-

cessary that this rule should be observed at the present moment, for, as we shall presently shew you, *the most unfounded misrepresentations* are published *as facts*, and respectable men lend their names to convey those misrepresentations unsuspected or unexamined by the people.

Public indignation has long since doomed to political death the address promulgated at Harrisburg: and, as some of its signers were amongst the most anxious to consign it to oblivion, we have no desire to disturb its ashes. It is worthy of the notice of the people, however, that some of the persons who lamented the violence of that address, which they had signed, have given birth to another, if not more violent, at least as impudent. We call your attention, to an address published on the 31st of May, under the signature of Mr. Mathew Carey, the author of the *Olive Branch*, and others, and as we have understood, avowed to be from his pen. You have now before you the labors of undenied violence and of arrogated moderation, and we will assist you to make a just comparison between the two, as well as a fair conclusion from them both.

Our opponents have misrepresented the *motives*, the *conduct*, and the *character*, of the Carlisle convention:

1. The motives of the delegates are said to be impure, that they sought to gratify personal interests: this is an assertion formally contradicted, by a solemn protestation, made by men whose private character and public conduct defy scrutiny. Here we might rest, and suffer the public to decide; but we beg you to recollect, that the very persons, who advocated and recommended the formation of a convention at Carlisle, besought their fellow citizens, to send no persons as delegates, who were likely to be now influenced or hereafter rewarded—so anxious were the friends of that convention to avoid even the suspicion of impurity.

2. As to the *conduct* of the Carlisle convention: is it not a little singular that persons who were not present, should pretend to know more than those who were—it is asserted, that the Carlisle convention, “sat with closed doors, with strong appearances of concealment and mystery:” All that is necessary, is, to assure our fellow citizens, that the assertion is utterly untrue: There were two sessions of the Carlisle convention, and prior to each, the door was thrown open, and Mr. Mathew Carey himself, with his associates, might, if they had thought proper, have entered, without the least difficulty or disinclination on the part of the delegates.

The contest which is now going on in Pennsylvania, is not on our part a contest about men, but a struggle to preserve the elective principle pure and uninjured; on the part of our opponents, a struggle to sustain a caucus nomination in all its odiousness. When we commenced this struggle last year, our opponents im-

pugned our motives, misrepresented our conduct, and tried to persuade the people that they alone were right: But, now the same opponents confess that our complaints were well-founded, that the mode in which presidents and governors had been nominated was "radically unsound," and "a different mode of nomination was requisite."

Now, again, our opponents say we are wrong, but we hope again to convince them of their mistake, and that as we dislodged them from a defence of avowed caucusing, we shall be able to make them relinquish a practice which still retains its most odious features.

If, as the address confesses, a new mode of nomination was requisite—it surely was not incumbent upon any freeman in November last to support what was wrong, and it was the right of every freeman to propose a substitute: it was not only the right of every man to oppose a bad measure, and to support a better, but it was every man's solemn duty, if Mr. Carey's Olive Branch is to be credited; for it declares, that whatever vitiates elections, ought to alarm the friends of freedom, and arouse them to opposition, and in his address he confesses that the old mode of nominating was "radically unsound."

What would be the BEST MODE? was the emphatic question presented to every freeman's mind, and it was of no consequence who proposed the remedy, if it removed the evil. But before any man or body of men could decide which would be the best remedy, it was all-important to understand *the real nature of the evil*.

Upon this point we will not attempt to decide, but Mr. Carey himself shall determine.

In the 78th chapter of the Olive Branch, Mr. Carey says, that there did exist *radical and powerful objections* to the old mode of nominating a president, *because* presidents will be tempted to corrupt members of congress—*because* members of congress will be likely to be corrupted—*because* leaders in congress will be able to command a majority of votes—*because* there will be men in congress abject enough to follow those leaders. In short, *because the seat of government will become the scene of intrigue, paving the way for the inroads of corruption, and presenting a focus for intrigue and management.*

Such then is the evil in the national councils, or at the seat of the national government: if it be true, that we ought vigilantly to watch our president and members of congress, there exist greater necessity for watching our governor and assembly-men; *first, because* there is no check whatever in our state constitution, excluding legislators and office-holders: and, *because*, comparing their stations, the means to corrupt at the disposal of a governor of Pennsylvania are greater than those of the president of the United States.

The delegates who met at Carlisle, believing what the Olive Branch proclaimed, that it was dangerous to trust men "*collected in one spot for months together, presenting a focus for intrigue, management, and corruption*"—

Proposed, 1, That the people should elect delegates to meet in convention, and nominate a candidate.

2. That the independent delegates, when chosen by the people, should meet at an unsuspected place, and not at Harrisburgh, the seat of government.

3. That the people should not choose as a delegate any man depending upon the governor for the tenure of his office, or any person likely to accept an office, in reward for his friendship to a candidate.

Such were the *remedies*, proposed by the Carlisle convention of September last, for the *evil* described by Mr. Carey; nor can any good man hesitate upon the question, that if the proposition had been accepted, *there would have been no avenue for intrigue, management, or corruption, the desideratum* in a cause so desperate.

But this plan, which closed all the avenues through which intrigue could enter, was the one naturally, dreaded by men, to whose strongest passions the office of governor held out lures.—Those who had made "the seat of government a scene of intrigue, paving the way for the inroads of corruption:" those who had made that spot "a focus for intrigue and management"—those, who, "actuated by avarice or ambition, could very readily offer sufficient temptations by the numerous offices of profit and honor in the gift" of the governor, saw, that if the plan proposed at Carlisle was pursued, their "schemes" would all be blasted.

In such a dilemma, what was to be done? public opinion declared against *avowed* caucusing, and that was less hazardous than a convention of *independent* men, *fairly* chosen, and assembled in an *unsuspected* place: those who panted for office had not the courage to adhere to the old mode, or the virtue to accede to the new one, and therefore they pursued a middle course.

Mr. Carey, after admitting that the old mode was unsound, that it made the seat of government a focus for corruption, and that a new mode was necessary, gravely tells us, in his address, that there was no assembly soon to meet, to whom the people could so naturally look for a remedy as the electors of president and vice-president! the very same electors, who had been themselves elected (arguing from experience) by a caucus of 47 assemblymen, "*collected in one spot for months together, presenting a focus for intrigue, management, and corruption!*"

Mr. Carey asserts that the electors "*recommended a momentous change in the operation*" of nominating a candidate for governor: They recommended that the democratic citizens should

meet in their usual places of election, there to elect delegates to meet at Harrisburgh, on the fourth of March, to nominate a governor.

All that is necessary to decide whether this was a suitable remedy for the evil, is to recur to Mr. Carey's description of it—and ask, did this *momentous* change prevent the seat of government from being a “scene of intrigue, paving the way for the inroads of corruption?” Did this *momentous* change take the right of nominating from “men collected in one spot for months together, presenting a focus for intrigue, management, and corruption?” Did this *momentous* change render it impossible for political leaders in the legislature to command a majority of votes?

Not one of the odious characteristics of the old mode was remedied—the matter was simply thrown upon the people, without rule or explanation; the electors, or their prompters, well knowing what would be the result. For it is notorious that the electors, who had no more right or authority, than any other 26 persons, and who were, from the mode of their election, and their place of meeting, more open than any others to suspicion, recommended a measure loose and inadequate, without suggesting any appeal whatever from their decision: so that they arrogantly proposed, and their supporters as arrogantly upheld, their *dictum* as law for the whole republican population. The question was not, “is the plan good or bad?” but, “will you support this plan or not? if you do not you must not attend our meetings”—and thus throughout the state of Pennsylvania, all who dared to doubt, were subjected to “the penalty of a political anathema.” No wonder, therefore, that the recommendation of the electors, that the democratic citizens should meet, had so little effect, and that the meetings were composed, almost exclusively, of persons deriving advantage, in one shape or another from the “ruling powers.”

But, the address of Mr. Carey *boasts* that there were 113 persons at Harrisburgh and but 39 at Carlisle—as if a measure ought to be tested by such a circumstance. If, indeed, the electors had proposed that the democratic citizens should meet in their respective counties, to decide *what should be the remedy for the evil*, and if the citizens, in the proportion of 113 to 39, had decided for a *partial*, instead of a *radical* cure, there might have been cause for boasting:—or if there had been a free and fair election of the delegates on both sides, instead of a selection on one by an exclusive and interested sect, and a candid choice by independent men on the other, some stress might have been laid upon mere numbers: But no such opportunity was given—none were invited, but those who would bow in submission to the *dictum* of the electors. There were 113 at Harrisburgh, and but 39 at Carlisle, for the same reason that there is always a majority for every measure, no matter how iniquitous, proposed in the

British parliament by the ministry : and unless we are willing to admit that the measures of that parliament are sound, merely because they are adopted by a packed majority, we must laugh at the absurdity of deciding a principle by the circumstance of there having been 113 at one place, and but 39 at another.

If this principle is to be held as feasible, and it is contended that the greater numbers procured by legislative artifice, is to be a criterion of authority ; by carrying the rule a little further, the caucus itself would be obliged to bend, to a body of one hundred and forty ; for, if an opulent man desirous of being governor, should *pay* 140 men for assembling in some other place, the caucus of 113, must, upon their own principles, give way.

Our opponents, from the beginning, determined to substitute *shew* for *substance*, and *numbers* for *principle*, while we, trusting altogether to substance and principle, despised the paltry coverings which suit “ the seat of intrigue, management, and corruption.” Our opponents for the sake of appearance, took care to collect representatives, as they termed them, from senatorial districts, as well as from counties. Of the 113, *they* had 12 senatorial agents, and 44 members of assembly, the very persons described in the Olive Branch, so open to temptation, and so likely to be corrupted. There were 50 delegates elected to attend at Carlisle, of whom 11, from various causes, could not attend : and, as we had suggested that such counties as could not send delegates, should send instructions, accordingly instructions were sent by the counties of Bedford, Montgomery and Bucks. So that on the score of numbers, but 7 representatives of counties, travelled to Harrisburgh more than were elected to proceed to Carlisle, and we may safely say, that there were at least twice that number at Harrisburgh, either dependant for offices, or actually applying for them ; while at Carlisle there was not a single officer dependent on the executive, nor to judge so far as motive can be judged by words, one expectant. At Harrisburgh the candidate was decided on before the meeting was held, whilst at Carlisle, it was utterly impossible to know, even when the meeting was opened, who would be the candidate.

It is remarkable that the very same kind of exception on account of numbers, was made by the agents of England to the *old continental congress* ; they say, that it consisted of only one or two delegates from each colony ; that some of the colonies sent none ; and that this body, which dared to contend with the house of lords and the 558 members of an omnipotent parliament, never amounted to 30 persons !

But it is by numbers that the people of Pennsylvania are to determine which mode of nomination is best, whether the one proposed at Carlisle or Harrisburgh ? We contend for the former, because it shuts the doors at which corruption can enter. The argument of Mr. Carey as to the anxiety of a president to acquire power, ap-

plies with equal force to the case of a governor. If members of congress, may be so easily bribed, there is nothing in the character of assemblymen, less corruptible—If the president has offices to purchase votes, the governor of Pennsylvania is more powerful, for he has no senate to control him.—If political leaders can acquire influence in congress as to command votes, the same influence may be exercised in Pennsylvania, and with the same effect.

What, then, becomes of Mr. Carey's *momentous* change? If the evil was radical, where is the remedy? If "every measure" *calculated* to vitiate elections, and subject them to the influence "of intrigue and management, ought to excite alarm," why was the nomination made at "the seat of intrigue and corruption?" why made by men, "collected in one spot for months together, "presenting a focus for intrigue, management, and corruption?" for it surely will not be pretended, that the paltry meetings, in county towns or districts of 6, 10, or 20 persons, could have had the magical influence of changing assembly-men for one day into incorruptible beings—this would be as gross an absurdity as the shallow pretext of members of congress, that when they sit in caucus they are individuals, and not legislators.

And, now, fellow citizens, if you, or the people suppose, that, with all our pains to be brief and methodical, this letter is too long, or if it should surprise you that to answer one page, we must write twenty, we have no other apology to offer but the explanation of Swift—"Factionous writers," says he, "affirm a thousand untruths; and we, who answer, must be at the expense of an argument for each"—a circumstance which would not distress us, if, as Swift adds, it did not unfortunately happen, that "after all our arguments the very same assertions will be made again in the next pamphlet."

JOHN GOODMAN,
JOSEPH REED,
J. W. THOMPSON,
ISAAC BOYER,
W. J. DUANE.

Philadelphia, June 14, 1817.



CIRCULAR LETTER :

No. II.

TO THE REPUBLICAN COMMITTEES OF CORRESPONDENCE.

FELLOW CITIZENS.—In the first letter that we addressed to you, we confined ourselves, to a defence of the *motives*, *conduct*, and *character*, of the Carlisle convention ; and endeavored, as we trust successfully, to prove, that the meeting at Carlisle had not one of the characteristics of a caucus, whilst that at Harrisburgh was distinguished by the most odious features of that pernicious substitute for free elections.

It is our intention, in the present letter, to explain and defend the *character*, *services*, and *principles*, of Mr. Joseph Heister, the candidate recommended at Carlisle, for the station of governor. In executing this duty, if we shall at all notice anonymous accusation or surmise, we hope that it may be understood as an evidence of our respect for public opinion, and of our willingness to meet even masked attacks.

1. *Of his character.* With regard to the private reputation of Mr. Heister, it is scarcely necessary to say more, than, that it has remained unsullied and almost unassailed—a very uncommon circumstance, considering the length of his political life, and the licentiousness of the press. It is said, indeed, that he is a man of wealth—as if it were a disgrace to have been always upright and industrious, and of course successful, as a farmer and merchant : If he had acquired his estate, from the public treasury, by a lease for life of office, one might well regard the circumstance as an argument for rotation ; but we consider it an honor to our candidate, that by his own means, he has become superior to the suspicion of mercenary temptation, or the necessity of mean dependence, which it would be well for the public if his opposers could say of themselves.

2. As to the *services* of Mr. Heister, it is fortunate, that we can speak of them in the hearing of so many, who personally know their date and character. When the founders of the republic had resolved to sever the bands, which had bound the colonies to the crown of Great Britain, Pennsyl-

vania testified its sense of the ability and patriotism of Mr. Heister, by appointing him a member of the committee of conference, created for the purpose of giving effect to that important determination : and, as soon as the committee of conference had decided upon raising 10,000 effective men, Mr. Heister was one of the first appointed to the command of one of the regiments, with the unanimous approbation of the committee of vigilance of his native county. Such distinguished marks of confidence on the part of his countrymen, instead of creating self confidence and pride, which would have been the characteristics of a weak mind, afforded to Mr. Heister the opportunity to give a striking proof, that his country had not mistaken his character ; for, finding that some of his older fellow citizens had supposed themselves slighted by the elevation of a younger man, and feeling how important it was that there should not be the least cause of jealousy or division, at a crisis so momentous, he magnanimously relinquished the rank of *colonel*, of *lieutenant colonel*, and of *major*, which had been successively conferred upon him, in favor of *col. Haller*, *lieut. col. Lotz*, and *major Edward Burd*, (now living in Philadelphia)—contenting himself with the rank of captain. Having thus preferred the interests of his country to his own, and secured to the state the services of gentlemen of experience, he immediately raised a company, enabled his men to leave their families by advances from his own funds, and marched to join his corps on the the 20th of July, 1776. The regiment to which he was attached, was organized at Trenton, marched thence for New York, and joined the grand army under general Washington ; forming part of the division under lord Sterling, on Long Island. His regiment was one of those most warmly engaged in the fatal battle on the 27th of August, 1776, in which so many brave men bled for their country, and so many more fell into the hands of the enemy ; amongst the latter was capt. Joseph Heister : he was one of the few whose constitutions resisted the horrors of the Jersey and Mentor prison ships ; and, when at length exchanged in December, 1776, he returned to his family, with the resolution to rejoin the standard at the first call of his country.

It is due to the reputation of this commonwealth, which had reposed so much confidence and conferred so much honor upon Mr. Heister ; and it is due to the glory of the revolution itself ; as well as to the fame of the veteran, who had in return done so much honor to the state in trusts reposed in him, in “ *times that tried men’s souls*,” on this occasion to repel the atrocious calumny, invented, circulated, and

after formal contradiction, *still repeated*, that *Mr. Heister had the command of a regiment at the battle of Brandywine, in September, 1777*, and that he *disgracefully left the field of battle*. This falshood, published without a reference or a name, is refuted by the declaration which we thus make upon such authority as sets aside doubt, that *Mr. Heister, after his return from a British prison ship, remained with his family, without rank or command, until several weeks after the battle of Brandywine took place*: that he was then called upon to take command of a regiment; that he accordingly assumed that command, marched to join general Washington, first to the Swamp, and then to the Whitemarsh, where he remained until he had completed his tour of duty. Remarks upon the design and nature of a *charge so infamous* and unfounded, are *unnecessary*: but if the liberty of America be as precious to the people as it should be, this attack upon one of its veterans, will arouse their indignation; it is an accusation, involving so deep an injury, and so gross an insult, to the character of the whole Pennsylvania line, and to the cause of independence, that we trust the survivors of that gallant band will not fail to remember, that its real authors are not *the contemptible beings who gave it currency*, but persons seeking from the state, thus insulted, its *highest honors*. No! fellow citizens, at Trenton, in 1778, and in all other stations, to which Mr. Heister's duty called him, he maintained the reputation which he had acquired on Long Island, in 1776.

Before we enumerate the civil duties, performed by Mr. Heister, it may be useful to enquire, what his opposers say with regard to his services in the revolution. The address of Mr. M. Carey and others, alluded to in our last, says, that the signers of it, are unable to perceive the claims of Mr. Heister, that he has been long in public life, but that his career has little to distinguish it. This, if it may be called an objection, is also to be found in many of the anonymous attacks upon Mr. Heister: "The annals of the revolutionary war," says one his assailants, "are silent" on the subject of his military services—strange argument, indeed, to address to the freemen of Pennsylvania, so many of whom were colonels, subalterns or privates, in the gallant army of 1776! yes, they all staked their lives, fortunes and honor; many of them were wounded, and many more made prisoners; but, say the opposers of Mr. Heister, the annals of the war are silent about them, and as they were only colonels or privates, how dare they aspire to public honors, or hope

For public gratitude ! In November last, indeed, we were told that Mr. Monroe deserved to be president, amongst other reasons, because he was a captain and fought bravely at Trenton, and because he subsequently rose to the rank of colonel ; and no doubt, these were high recommendations in his favor, although “ the annals of the war are silent upon the subject ”—but now the case is wholly altered, for it is Mr. Heister who is the candidate ; he too was a captain and fought bravely at Long Island, he too rose to the rank of colonel, but “ the annals of the war say nothing about him,” and although in this respect, he is on a level with Mr. Monroe and thousands of other brave men, he must not seek the suffrages of his countrymen, because he did not rival a Greene, or a Washington ! It is needless to comment upon such an unworthy effort to rob the veterans of the revolution of the honor and gratitude of their country ; If the annals of the war could not transmit to posterity, the names of all those who fought for our independence, that independence itself is a monument of their services and sufferings, which time alone can deface or destroy.

Nor is it necessary to wipe away the stain, which such aspersions as these would fix upon the national character : the annals of peace bear ample testimony that his countrymen were grateful for Mr. Heister’s services in war : his neighbors, friends, and companions in arms, have on all occasions testified their gratitude, *by conferring upon him every civic honor in their gift*:—1. He was chosen a member of the convention of 1787, appointed to consider the constitution, then proposed for the union :—2. He was elected in 1789, a member of the convention appointed to prepare the present constitution of Pennsylvania :—3. He was for many years elected a member of the general assembly :—4. He was appointed an associate judge by governor Mifflin, and received from that amiable man, brave soldier, and sound patriot, other testimonies of his confidence :—5. He has long served as a member of the congress of the United States :—6. He never sought or held any situation yielding the emoluments of office, but in every instance has served the public, at a sacrifice of his personal interests and comforts : how he has served his country is best decided by the voice of his immediate constituents :—7. He never was a candidate that he was not elected ; and at the most recent election he received above three thousand votes, whilst his opponent received less than eight hundred.

Mr. Carey and his associates may not regard these long, faithful, and disinterested services, in the field, on the bench, and in the senate, as “ claims ” to public regard, because

they intend to astonish us, perhaps, with a history, as yet unpublished, of the "claims" of their candidate, which far surpass those of Mr. Heister : but, until they shall lay before the people some evidence of the superior "merits on the score of service" of Mr. Findlay, we are persuaded that these attacks upon Mr. Heister will have no other effect than to invite scrutiny, which the more rigid it may be the more serviceable it will be found.

3. Of the *principles* of Mr. Heister. His opposers, being utterly unable to fix upon his private life a single stain ; or, even with the aid of foul calumny, to tarnish his military reputation, have undertaken to question the orthodoxy and consistency of Mr. Heister's principles as a politician. --So unerring, and so consistent, have Mr. Mathew Carey and his associates been in their political career, that they demand from Mr. Heister nothing less than infallibility : it is not enough for them, that he fought and suffered to secure to them, in common with us all, the blessings which we enjoy ; it is not enough, that those who know him best have invariably honored him with all those trusts, which demand capacity and integrity ; it is not enough that he has been always a republican, and never a seeker or holder of place or perquisites--no, all this will not do for Mr. Carey and his co-addressers, they insist that unless every vote, of several thousand, given by Mr. Heister, was exactly as they now say it ought to have been, he ought not to be elected governor.

We will not stop to discuss the justice or the charity of this demand for perfection, but will proceed to meet the opposers of Mr. Heister with their own weapons ; having little doubt, but that we shall be able to prostrate them upon their own ground. Let us then enquire what have been the *principles* of Mr. Heister ?

In the first place Mr. Heister is accused, anonymously, of having voted against the ratification by Pennsylvania of the constitution of the United States, in the convention of 1787. We take this weapon at once, which was intended to assail him, and shall make it a shield in his defence. If the opposers of Mr. Heister had informed the people of Pennsylvania, that the constitution which he voted against had those provisions, by which "the great and essential principles of free government were recognized," the information would have explained his early and sterling republicanism ; but they slyly call it the constitution of the United States, thereby conveying the idea that it was the constitution as it is now in force : but the freemen of Pennsylvania surely must be too well informed to be deceived.

ed by this sorry artifice, and too proud not to resent such an insult to their memory and understanding. The constitution, which Mr. Heister voted against, made no provision for the safety and enjoyment of many of the most inestimable rights of a free people, and as a faithful republican, he voted against an instrument so entirely defective upon points so essential : for instance, 1. that constitution did not prohibit congress from interfering with the rights of conscience ; —2. that constitution contained no provision securing the freedom of speech and of the press ;—3. it did not reserve to the people the right to assemble and petition against grievances —4, no provision was made securing to the people the right of bearing arms :—5. no provision was made against quartering soldiers upon the people :—6. the people were not secured by it from unreasonable searches and seizures :—7. no provision was made to secure freemen from accusation unless by presentment by grand jury :—8. excessive bail, excessive fines, and cruel punishments, were not provided against :—9, no provision was made securing to the people the rights not delegated :—10. no provision was made against the seizure of private property for public use without compensation : It was against an instrument thus imperfect that Mr. Heister voted, not because he opposed the adoption of a constitution for the union, but *because* he cherished the liberties of his countrymen too dearly to put them to hazard, and *because* he was apprehensive that the powers of the general government under the proposed constitution, were too extensive, and would eventually absorb those of the individual states. Nor was he singular in opposition, or unfounded in his alarm, for the most distinguished patriots of the revolution concurred with him in opposition, and the very persons, who in 1787 adopted the imperfect constitution, in 1789 introduced the very provisions now in force, the absence of which induced the opposition of 1787. Amongst those who considered the constitution of 1787 imperfect, or those who voted against it, history records the names of Thomas Jefferson, George Clinton, Elbridge Gerry, Patrick Henry, James Monroe, and many others of the ablest men and distinguished republicans that America has produced ; and in Pennsylvania the names of Robert Whitehill, John Smilie, Wm. Findley of Westmoreland, John Harris. John Whitehill, and other old whigs, are recorded on the same page with that of Joseph Heister, as the jealous and intrepid advocates of the substantial rights of freemen. those gentlemen voted against the adoption of the constitution in its imperfect state, but at the same time declared in a solemn protest their readiness to receive a

constitution, which would preserve the inestimable and sacred rights, which the amendments afterwards introduced effectually secured. Unless, therefore, the people of the present day can suppose, that all those gentlemen, whom we have named, were unworthy of all the honors and confidence conferred upon them by their grateful country, we shall claim from the republicans of Pennsylvania their votes for Mr. Heister in gratitude for the very zeal in 1787 which his opposers condemn.

Even those who voted differently from Mr. Heister in 1787, confessed the weight of his objections—"I do not," said Dr. Franklin, "entirely approve of this constitution"—but they argued, and Dr. Franklin among the rest, that the urgency of the case demanded the adoption of the instrument, and that its faults might be remedied by subsequent amendment: Mr. Heister, however, did not consider himself authorised to vote for an imperfect constitution, or to commit the rights of the people to the chances of future alterations, but maintained that the instrument, if imperfect, ought to be at once made sound. Such were the motives of those who took opposite sides; those motives have ever since been regarded by liberal men as pure; but it remained for some of the most inconsistent partizans of the present day, to impeach the integrity of men whose virtues and services have long been honored by, and have long honored, their country.

Having thus brought Mr. Heister, as we trust, with undiminished reputation, through the revolutionary war, and the trying moments when the constitution of the United States was discussed, and having shewn that thus far he maintained the character of an intrepid soldier and sound whig, we now proceed to meet the objections of Mr. Matthew Carey and his associates. We regret exceedingly the necessity, which our respect for truth and justice imposes upon us, in some instances, positively to deny the correctness, and in others to expose the fallaciousness, of many of the assertions of those gentlemen: when we read their address, we cannot but feel and express our astonishment at their unhesitatingly declaring, what in some cases we personally know to be unfounded, and in others what was so susceptible of explanation, if they had thought proper to seek it. It does not become us, however, when so little circumspection is evinced in matters of such importance, to have greater respect for those gentlemen than they have for themselves; and, therefore, we shall speak with the frankness of freemen.

Those gentlemen assert, that, in the instances in which

Mr. Heister took a decided part, in the course of his political life, he was radically wrong, that he committed sins of a deep dye, and that "his conduct has been in direct hostility to the principles of the democratic party." It is scarcely possible to conceive an assertion so positive, with so little to sustain it : it is fortunate, however, that such assertions are made, for they lead to enquiries, which more and more convince us of the uprightness and intelligence of Mr. Heister. The address of Mr. Carey refers to the minutes of the convention, assembled in 1789, to prepare the present constitution of this state, for the evidence of its assertions, and we rejoice at the fact; for if there is any record, which, more than another, establishes the claims of Mr. Heister to the gratitude of his countrymen, those minutes are that instrument. If you can procure them, defy the opposers of Mr. Heister to an open scrutiny into his votes upon every question, for it will then be found, that Mr. Heister supported all those parts of the constitution, which are regarded as its most republican features, and that he advocated amendments, which if they had been adopted would have rendered that instrument less liable than it is to objection.

The whole political life of Mr. Heister lay open before Mr. Carey and his associates : the minutes of two conventions—the journals of the legislature—and the journals of congress : Mr. Heister is seen engaged in the most trying of all duties, in assisting to frame a rule of government for the union, and a rule of government for this state : he is next seen voting as a legislator under the systems which he had assisted in establishing : yet with all these materials at their command, his opposers are unable to fix upon more than one vote, to which they can object ! If we wanted arguments in his favor, what could be so strong as this ? What, if we desired proofs of his principles, could bear better testimony ?

In the convention of 1789—1790, every political principle dear to man, or essential to his safety, liberty and happiness, was discussed : on interesting questions the *yeas* and *nays* were called one hundred and twenty-four times—yet Joseph Heister is found but once voting, as his opposers say, improperly—grateful encomium from them ! high recommendation to his country !

Now, if we suppose, that even in one case out of one hundred and twenty-four, Mr. Heister voted improperly, we ought first to ascertain that his motives were incorrect, ere we condemn him—but is it just, is it charitable, to test his principles by a solitary vote ? if he once voted incorrectly, is that vote to cancel his claim to respect for having voted

correctly one hundred and twenty-three times? Or if he voted improperly thirty years ago, in one case of so many, are we to condemn him as if he still remained in error? Dr. Franklin, who, we humbly conceive, was as wise a man as Mr. Mathew Carey or any of his associates, declared in the convention of 1787—that “having lived long, he had experienced many instances of being obliged by better information or fuller consideration, to change his opinions even on important subjects, which he once thought right but found to be otherwise:” “As I grow older,” he added, “I am now apt to doubt my own judgment and to pay more respect to that of others”—But no such indulgence is granted to Mr. Heister by his opposers; he must be put aside now for a single vote given thirty years ago, and that vote wrong only in the estimation of his opposers themselves! Which of those opposers would submit to such an ordeal? one of them has written a book to let the world know how often he has been mistaken himself, and no doubt he will have matter for another chapter from the specimen before us.

So, that, even if it was true, that Mr. Heister had thirty years ago been radically wrong, and had then in one instance out of one hundred and twenty-four, voted in hostility to democratic principles, it would be as cruel as absurd to withhold from him your confidence on that account now. But, we will endeavor to convince you, that Mr. Heister's single vote was not of the obnoxious nature which is asserted, or if it was that all the old whigs of Pennsylvania were alike radically wrong, political sinners, and opposers of democratic principles with Mr. Heister—a conclusion too monstrous to follow from the mere self-sufficiency of men of the present day.

What, then, is this radical error, which by its singleness and singularity is to destroy the merits of a long political life, otherwise uniform? Would it not be supposed that Mr. Heister had voted to return to the yoke of England, that he had urged the creation of a king and nobility, or proposed something else as wicked and abominable? Would it not be imagined that he had voted against some fundamental principle in the constitution or bill of rights? Yet, nothing of this kind is pretended—what, then, was the vote? Why Mr. Heister voted, *that young men between the ages of 21 and 22 should not vote at elections, unless they paid a tax, or unless their fathers were freeholders.*

Such is the “political sin of a deep dye,” of which Mr. Heister is accused: this is the vote which his opposers say was radically wrong, and “in direct hostility to the principles of the democratic party:” let us see, if this accusation is so serious.

Men, charitably inclined, would have paused ere they denounced a veteran of the revolution, and an uniform republican, as unworthy of the confidence of his country, for merely voting according to his best judgment upon a point not fundamental : yet accusation is proclaimed, without any regard for motives, and even without a true knowledge of the nature of the vote given, and that too by persons who are eternally boasting of their moderation, affecting the most bewitching liberality; and modestly undertaking to prove every body in fault but themselves.

But—what, after all, is the nature of this sin of a deep dye? —Ever since representative government has been in operation, it has been held to be a sound political axiom, that the payers of taxes should be represented, or in other words, that those who pay taxes should vote at elections ; but it never has been contended that those who do not pay taxes, should have equal rights with those who do. The necessity of the case required that the payment of a tax should be ascertainable on the day of election, and this necessity demanded a previous assessment :—none, however, could be assessed until their arrival at the age of 21, and thus it became difficult for persons between 21 and 22 to vote, so many of them arriving at 21 after the day of assessment and before the day of election. To remedy this inconvenience, it was proposed to vary the fundamental principle, that none should vote without paying taxes, and to grant the power to vote as a matter of *indulgence*, not at all of *right*, to young men so situated: the extension of an *indulgence*, to such a length was objected to, as inconsistent with fundamental principles, and likely to be pernicious in its effects; and, instead of an indiscriminate extension, it was proposed to limit the power to the sons of freeholders, from whose estates there was a certainty of the receipt of taxes. So that, in fact, the question was not one involving any principle, or depriving young men of any right, but it was a question of propriety altogether, *how far the fundamental principle*, that none should vote without paying a tax, *ought to be departed from*.

That this was so considered must, we think, be obvious from the slightest consideration ; and if there is still any doubt, it is removed by referring to the constitution of 1776, an instrument principally prepared by Dr. Franklin, and adopted by a convention worthy of such a colleague. It will not be believed, that in 1776, Dr. Franklin and his compatriots were radically wrong, that they committed sins of a deep dye, that they were inimical to the principles of a ré-

public, or that they desired to deprive any description of persons of their rights—even if Mr Mathew Carey and his co-addressers should say so : yet Dr. Franklin and his colleagues in 1776, prepared and adopted a constitution, the 6th article of the 7th chapter of which is as follows :

“ *Section 6.* Every freeman of the full age of 21 years, having resided in the state for the space of one whole year next before the day of election for representatives, and paid public taxes during that time, shall enjoy the right of an elector. Provided always, that *sons of freeholders*, of the age of 21 years, shall be entitled to vote, *although they have not paid taxes.*”

Now, unless the people will believe that the framers of this section, some of the wisest men and soundest republicans that history mentions, were all apostates and enemies of republican principles, it is in vain for Mr. Carey and his associates to assert that the provision in this section was a “ political sin of a deep dye ”—yet, it is for voting as Dr. Franklin and his compatriots did in this case, that Mr. Heister is denounced as an enemy of the principles of our republic !

But if the people forget Dr. Franklin and his colleagues, they at least know the present governor Mr. *Snyder*, they know, Mr. *William Findley*, of Westmoreland, Mr. *John Smilie*, of Fayette, Mr. *Albert Gallatin*, our present minister to France, Mr. *Robert Whitehill*, of Cumberland, and the opposers of Mr. Heister will not dare to call those gentlemen “ radically wrong,” “ political sinners of a deep dye,” or “ inimical to democracy :” yet we shall now shew, that all of those gentlemen, the leading whigs of Pennsylvania, not only voted to introduce the very principle, for which Mr. Heister voted and is now denounced, but that they voted to introduce a resolution which proposed to deprive *every person* of a vote who had not a freehold or other taxable property to a particular amount.

In the convention which framed the present constitution, Dec. 10, 1789, a resolution was offered for the appointment of a committee of nine to prepare and report a draught of a constitution.

“ It was then moved by Mr. William Findley, (*of Westmoreland*,) seconded by Mr. Boyd,

“ To postpone the consideration of the said resolution in order to introduce the following, viz. :

“ *Resolved*—That every freeman of the age of twenty-one years, having resided — years in the United States, or — years in this commonwealth, one of which at least

"in the county or district next before the election where he
 "claims his vote, and *who hath been possessed in freehold*
"estate or other taxable property to the value of — for
"the space of one whole year next before the election, and the
"sons of freeholders, qualified with respect to age and resi-
 "dence as is described above, shall have a right to vote for
 "either branch of the legislature."

"On the question—"will the convention agree to the post-
 "ponement for the aforesaid purpose, the yeas and nays were
 "called by Mr. William Findley, (*of Westmoreland,*) and
 were as follow, viz.

YEAS.

Enoch Edwards	William Todd
Wm. Gibbons	Alex. Addison
Thomas Ross	John Hoge
James Boyd	David Reddick
Robert Whitehill	John Smilie
James Power	Albert Gallatin
Christian Lower	James M'Lean
Abraham Lincoln	George Mathews
Baltzer Gehr	Lindsay Coates
Thomas Mawhorter	Jonathan Shoemaker
Joseph Powell	John Gloninger
John Piper	Wm. Brown
Charles Smith	Andrew Henderson
Simon Snyder	Thomas Beale—29.
William Findley	

NAYS.

(Unnecessary to particularize)—34.

So the above resolution was rejected. It appears then, that,
 if Mr. Heister ought to be denounced, for having voted in the
 same convention, that the sons of freeholders between 21 and 22,
 and no others, should vote *without paying taxes, (a proposition*
involving no radical principle) Messrs. Snyder, Gallatin,
 Findley, Smilie, and others should have been long ago pro-
 scribed, because they voted not only to limit the privilege of
 voting *to the sons of freeholders,* but to introduce a resolution
depriving every freeman of a vote, who had not held for a year
 a freehold or other estate to a specific amount—*a resolution*
which involved a fundamental principle.

Yet no one has ever heard them denounced for their vote ;
 on the contrary, they have all been honored and held up as
 the pillars of the republic. If it should be said that they
 afterwards changed their opinions, that they voted to permit
 men who were not freeholders and the sons of men not free-
 holders to become electors, and that having so changed they

became purified, we ask why the same indulgence is not due to Mr. Heister? if he, like the rest, gave an improper vote, and now acquiesces in the change, why is *he* alone to be denounced for his vote on a *question of propriety*, whilst those who voted improperly on a *question of principle*, are excused, nay honored? The best men may honestly suppose that right, which others may believe to be wrong, but it is no evidence that a man is wrong, because he is denounced for his opinion: the best way to test, is to enquire into the motives, and if these are pure, who can have the audacity to proscribe but those who have no character to lose. That Mr. Heister could have had no sinister motive for his vote, any more than Messrs. Snyder, &c. had for theirs, must be admitted by every generous mind, yet he is as wantonly and as indecently denounced, as if his intentions had been base and dishonorable.

Nor are the resolution and the vote, above quoted, the only evidence that you will find, in the minutes of the convention, to prove that Mr. Heister was not singular or unsupported in his opinion: on the 11th December, 1789, Messrs. James Wilson, William Irvine, William Lewis, Edward Hand, William Findley, Henry Miller, James Ross, Alexander Addison, and Charles Smith, were appointed by the convention a committee to draught a constitution; and on the 21st of December, 1789, that committee reported a draught, the 2d section, 3d article of which was as follows:

Art. 2, sec. 3. "In elections by citizens, every freeman of the age of 21 years, having resided in the state two years before the day of election respectively, and paid taxes within that time, shall enjoy the rights of an elector. *The sons of freeholders*, of the age aforesaid, shall be entitled to vote, though they have not paid taxes."

So that unless a majority of this committee were enemies to republican principles, Mr. Heister is again supported in his opinion by their authority, and it will scarcely be contended by his opposers, great as their self-confidence may be, that such was the case.

From the 23d December, 1789 to the 4th of February, 1790, the convention sat in committee of the whole, discussing the proposed constitution; and on the 5th of February, 1790, the committee of the whole reported the constitution to the convention: that instrument, as now approved of by a majority of the committee, in committee of the whole, contained the following:

Art. 3, sec. 1. "in elections by the citizens every free-man of the age of 21 years, having resided in the state two years next before the days of election respectively,

"and paid state or county taxes within that time, which taxes shall have been assessed upon him at least six months before the election, shall enjoy the rights of an elector."

So that the convention decided, *not to grant the privilege of voting, without paying taxes, even to the sons of freeholders*, striking the clause respecting young men entirely out of the article. All these circumstances prove that, to say the least of it, the convention had much difficulty and doubt about the question: and thus far the majority not only sustained the opinion of Mr. Heister, but actually decided to go further than he proposed.

On the 6th of February, 1790, the debates commenced in the convention upon the constitution, as reported by the committee of the whole, with the section relative to voting, as last quoted; that is, excluding all persons whatever from voting unless they paid taxes. When this section came under consideration, Mr. Sitgreaves, seconded by Mr. Mawhorter, moved to add this proviso:

"Provided, that the sons of persons qualified as aforesaid, between the ages of 21 and 22, shall be entitled to vote, although they shall not have paid taxes."

It was then moved, by Mr. Ogden, seconded by Mr. Hand, to strike out of this proviso the word *persons*, and to substitute the word *freeholders*. On this motion the yeas were 12, and the nays 46, and of the 12, Mr. Heister was one.

The question then arose, will the convention agree to the proviso of Mr. Sitgreaves? and there were for the proviso 32, against it 30—there being a majority of two only in favor of admitting any young men whatever, between 21 and 22, to vote without paying taxes: amongst the 30, were Mr. Heister, Mr. Albert Gallatin, Mr. Thomas M'Kean, Mr. Hilary Baker, and other gentlemen always acknowledged to be republicans, and not deserving the character now given of them.

Mr. Heister had heard all the arguments for and against the question, he recollected that Dr. Franklin and his republican colleagues of 1776, had adopted the principle which he thought best; he knew that the convention had been friendly to the principle at first, and he did not alter his first opinion. The majority decided ultimately against him, he acquiesced, and so the matter has remained until this solitary exercise of his best judgment, upon a question that nearly 30 years ago divided the best men, is now at this late day, made the basis of an ungenerous attack upon his fame and pretensions. Whoever will examine the minutes

of the convention, will perceive that political principles or party had nothing to do with the question; and that many of those who voted for the aristocratical features of the constitution, in this case opposed Mr. Heister. Yet Mr. Carey's address asserts that this vote is to be a test of principles, and it tells "all those who are in favor of an equality of rights" to vote against Mr. Heister, as if *rights* had been at all in question—as if Mr. Heister had not voted to put all men upon an equality, and that none should vote, freeholders or others, without paying taxes. For we again repeat it, the question was not about rights, but about the expediency of going beyond rights. Mr. Heister thought and voted that none should be electors who had not paid taxes, but he thought that if this principle was varied from, it ought to be still so far in return for taxation, as to confine it to cases, in which no doubt about the payment of taxes by the fathers could exist.

But, after all, if Mr. Heister was wrong, he was in the company of Franklin and such men, as by the purity of their motives and actions do themselves offer an ample shield to defend him; and he was infinitely less in error, than hundreds of the best whigs of Pennsylvania whose characters have never been assailed; unless, indeed, at the present moment, through Mr. Heister.

These, however, and such like considerations, formed no part of the enquiry of Messrs. Carey, Holgate, &c. Charitable allowances, comparisons with other votes and constitutions, a fair and manly quotation of all that was in the minutes on the subject, were not to have been expected from persons, who denounce such of their fellow citizens as disagree with them at the present election, as men actuated by the basest motives—conduct, all the credit of which, we trust they may long live to enjoy.

. We hope, fellow citizens, that we shall be as able to disappoint, and to expose, the unbecoming means adopted to promote the views of the opposers of Mr. Heister, as we flatter ourselves we have been in these two letters. We shall continue to address you whilst an objection shall be made, or a doubt shall exist:—all that we ask, and that we do earnestly, is a patient perusal of explanations, necessarily longer than we could wish.

JOHN GOODMAN,
JOSEPH REED,
J. W. THOMPSON.
ISAAC BOYER,
W. J. DUANE.

Philadelphia, June 17, 1817.



CIRCULAR LETTER :

No. III.

TO THE REPUBLICAN COMMITTEES OF CORRESPONDENCE.

FELLOW CITIZENS.—We endeavoured in our first letter, and we hope with effect, to prove, that the Carlisle convention had not one, whilst the meeting at Harrisburgh had all, of the odious characteristics of a caucus, as described in the Olive Branch: And, in our second letter, we defended and explained the character, services and principles of Mr. Heister, from the year 1776, to the year 1790.

In the present letter, we propose to notice an accusation, made, by Mr. Carey and his associates, against Mr. Heister and his friends; not so much from an opinion that a defence is necessary to either, as because the opportunity is thus presented, of bringing our opposers upon the public stage with ourselves, for public instruction, upon some points of an interesting nature. The charge, for the purpose of elucidation, may be thus divided: 1. Mr. Carey and his associates assert, that Mr. Heister and his friends have made common cause with the federal party: 2. they assert that this alleged combination is violently inconsistent with advice, which they say, Mr. Heister gave in 1804 to his constituents, against any combination with federalists: 3. they assert that this alleged compact is entered into, in order that Mr. Heister and his friends may obtain offices for themselves.

1. Our inclination prompts us not to attribute these declarations to disreputable motives; and yet, there must have been motives of some kind for their invention and utterance. We cannot suppose that the author of the address sat down to write it, with an indifference which would be unbecoming even when about to issue an anonymous paragraph: from his age and his character we must conclude, unless we do violence to both, that he wrote the address with a full knowledge of what he was about. What, then, were his objects, when he delibe-

ately accused us, as we have above stated? Was it his intention to give fair and well-founded information to the people? we cannot suppose so, because his charges are the fruits of suspicion alone. Had he the knowledge of a single fact to justify the promulgation of charges so formal and decisive? we do not believe that he had, because we, who, if guilty, would surely know, can truly assert that his accusation is utterly groundless. Must he not have designed to do us an injustice, and to weaken our claims to a candid hearing from our countrymen? we think that we are warranted in saying so, by his attributing to us sinister motives, upon his own bare surmise, or as the echo of anonymous calumniations. If the aim of the address was not to inform the people, what was its object, for object there must have been in contemplation? Shall we be uncharitable or incorrect, when we say, that, imitating the writer of the Harrisburgh address, Mr. Carey resolved to enlist upon his side the angry passions and unworthy prejudices, of one portion of the community, since he had no hope of enlightening the minds, or gratifying the expectations, of the liberal and intelligent?

It is in vain that we endeavor, by our own pencil, to exhibit to our countrymen an exact likeness of Mr. Carey, whilst he thus unworthily acts the partizan, and unjustly impeaches the motives of his fellow citizens; but turning to his "Olive Branch," we find his picture drawn by the hand of a master, and that master himself: "Writers" says he, "having espoused a party make their own partizans angels of light, and their opponents demons incarnate. Among the frightful consequences, resulting from this odious practice, a plain and palpable one presents itself: these horrible portraits engender a satanic spirit of hatred, malice, and abhorrence in the parties towards each other. Men on both sides, whose views are perfectly pure and public spirited, are to each other objects of distrust and jealousy. We attach all possible guilt and wickedness—political at least—to our opponents—and then detest the hob-goblins we have ourselves created."

If the conduct of Mr. Carey, from his first movement in relation to the present contest, had not been utterly at variance with the doctrines of the Olive Branch, we would express our astonishment, that a person, who could thus so accurately take the likeness of a factious partizan, should become so soon enamoured with the picture, as to desire to become the original. Nothing can more truly describe the conduct of Mr. Carey himself, than this extract from his book; whilst he has fancied himself and his colleagues to be angels, he

has convinced himself that we are demons incarnate, and it is therefore not surprising that detesting the hobgoblins of his own creation, he has attributed to us all manner of wickedness.

Having thus adopted the most charitable conclusion, that Mr. Carey has accused us under the influence of the political distemper, which he describes in his book, he may from this circumstance be convinced, that we do not entertain towards him that satanical spirit, which unhappily roams at large at the present moment. At the same time, however, we shall take care to develope his inconsistencies, whilst releasing ourselves from his imputations, not from any desire or necessity as to Mr. Carey personally, but in the execution of a duty which we owe to the public.

The accusation, that we have made common cause with the federal party, implies, that Mr. Carey and his associates consider any combination with federalists—disgraceful; and yet it is notorious that Mr. Carey, Mr. Groves, and nearly all the present partizans of Mr. Findlay in this district, did, in 1805, make common cause with the federal party, to prevent the election of the present governor of Pennsylvania: this is not, like Mr. Carey's present accusation against us, supposititious, because on that occasion there was not only concert in secret action, but communion in open meeting. With what propriety, then, can those gentlemen now pronounce that to be disgraceful, which they laboured so earnestly to accomplish themselves? How indecorous must the accusation against us be, coming from those, who, if to combine is a sin, should scarcely have been forgiven, so great was their own offence? We are not so illiberal as to say that their motives were at that time corrupt, we do not even say that their conduct was an offence; that it was an offence is a charge now made by themselves in their anxiety to implicate us, and if they will persist in saying that combination implies corruption, they pass sentence of shame upon themselves.

2. But our intention is not merely to enumerate the proofs of the inconsistency of Mr. Carey and his friends: we prefer a full investigation of every question which they shall bring before the public. It is asserted by those gentlemen, after having themselves created the hobgoblin of a common cause with the federal party, that such a combination is inconsistent with Mr. Heister's opinion in 1804: in the first place, we say, that as there is not a combination, the inference is futile; but let us amuse ourselves with this hobgoblin—if Mr. Heister was in 1804 opposed to a combination, so were Mr. Carey and his friends, and yet the

the next year Mr. Carey and his friends did make the combination; so that in this case also the accusation comes with a bad grace from a party in the offence, if such it was. But, we had rather meet this question at large: We contend that, it might have been perfectly correct, in 1804, to object to a political combination with the federal party, and yet that it might not now be at all injurious even to invite the co-operation of former opponents, in support of a present and common object—1. *because*, in 1804, the federal party was in full vigor;—2. *because*, the members of it then co-operated with persons in other states, who were extreme in their objects and actions;—3. *because*, thirteen years have since elapsed;—4. *because* the result of the wars in Europe, and the events of the war in which our own country was lately engaged, have produced a deep impresson in favor of our own political institutions, and of a national character;—5. *because* party spirit is now, happily, almost extinct;—6. *because* it is our desire to regard those, who have heretofore been estranged from us, with all the affection which Americans, countrymen, fellow citizens, neighbours, and human beings should have for each other;—and 7. *because* we are persuaded that coldness or indifference, not to mention jealousy or dislike, towards our fellow citizens, are calculated to prevent that unanimous support of our liberties, which is essential to their existence. So that, even if we had invited the co-operation of federalists, the accusation of inconsistency would not be so serious, in our estimation, as Mr. Carey and his associates would make it. Mr. Heister, however, was nominated by republicans, men who condemn the excesses of 1798 and the abuses of 1817: But, if such of our countrymen as call themselves federalists, are willing to make common cause, not for us, but in support of rights as essential to their happiness as to ours, have they not a right to do so? have we any reason or right to object? Ought we not, on the contrary, to rejoice at their conquest over the prejudices, which are shamefully sustained amongst the people for the advantage of a few?

Besides, it is not the mere circumstance of combination which ought to be considered, because republicans and federalists are every day making common cause to promote useful or honorable objects: *the real enquiry, ought to be, WHAT IS THIS COMBINATION FOR?* If its object is to oppose republican principles or measures, it is pernicious; but if its object is to accomplish precisely such purposes as the Olive Branch declared to be honorable and useful, what must the public think of the author of that book, who now not only denounces the fancied combination, but asserts upon bare suspicion, that corruption is the chain of connection?

If the state house was in flames, that edifice, in which are deposited the records of the rights, and the evidences of the properties, of federalists as well as of republicans, would not a common cause to extinguish the fire be a sacred duty? If, in such a case, any one should strive to sow dissensions, or to induce the fire-men to throw water at each other instead of the building, would it not be suspected, and with some reason too, that such a person had been the incendiary, anxious to profit by the general distress? It is useless indeed to ask such a question, for we all recollect that those, who did not, during the late war, make common cause to support it, were proscribed as traitors, by the very persons who are now fulminating their "political anathemas" at an imagined compact in support of pure elections. *If it is true*, and the Olive Branch says that it is, that *every free-man* ought to be alarmed at, and ought to oppose, whatever is calculated to vitiate elections: And, *if it is true*, and the Olive Branch says it is, that the agency of legislators and the holding meetings at the seat of government do vitiate elections—why shall it be criminal or pernicious, for persons on former occasions at variance, now to combine in support of the very key stone of the arch of the republic? why would it have been base not to oppose foreign arms, and yet a disgrace to unite in opposing caucuses, proscriptions, and corruptions, the most deadly adversaries of a republic? Why did Mr. Carey write a book inculcating "mutual forgiveness," and "opposition to whatever is calculated to vitiate elections," and yet now denounce suspected concord in executing what he recommended? The only just object of controversy or disputation is to produce reform by conviction: our countrymen have been disputing for twenty years, and at one time regarded each other as "demons incarnate;" yet the moment that this "nobbogoblin" ceases to be terrific, an alarm is sounded, and that too by the very trump which proclaimed the advantages of "harmony!"

To excite alarm is, indeed, emphatically the object of Mr. Carey's address—and its tendency is to prevent the laying of that "inexorable spirit of party," which it was supposed the Olive Branch was so well calculated to remove. For that address says very little, if any thing, about the importance of sustaining the principles of a republic, or of the imperious necessity of preserving the purity of the elective principle: but it strives to persuade the people of Pennsylvania, that the preservation of their rights and happiness depends upon the rigid support of a mere party ascendancy—instead of a tender attachment to, and jealous watchfulness of, those precious principles, which all parties

at times condemn, in order to gratify the avarice or ambition of their leaders. No, we, who have always been republicans, and some of us active republicans too, when some of those who now impugn our motives were in the ranks of the federal party which they now abuse, or else hiding within from the political storm which pelted us without—we reject as unsound and pernicious the doctrines inculcated in Mr. Carey's address; and in opposition to them assert, that it is of no consequence what the party ascendant is called, or what party is dominant, if the rights of the people are usurped, as we have proved them to have been by a caucus at Harrisburgh, upon the authority of Mr. Carey himself: we reject as impolitic and unmerciful, the assumption, that all those are impure and unworthy of association, who do not happen to be within the pale of our own frail notions of what is right: we deny that opposing caucuses, and other usurpations of the rights of the people, will destroy the ascendancy of republicanism; and we protest against the arrogance, which sets up the holders of places as the republicans of Pennsylvania.

If any of our countrymen, notwithstanding our efforts to expose the vast difference that exists between *profession* and *practice*, between *names* and *principles*, are still of opinion that there is any virtue in the indiscriminate adhesion to mere party, we ask them to open the pages of the Olive Branch, that volume which was issued by the very gentleman who would now entrance them with this charm or spell of party ascendancy. No one has boasted so much as he has done, of the purity of his zeal, and of the advantage of his efforts, to promote "mutual forgiveness and harmony;" no one has so strongly or so justly condemned all parties, as he has done, for not making common cause in support of common rights and interests: "I bless the being" said he "who has made me the humble instrument to accomplish so holy a purpose as that of allaying the horrible violence of party rage, excited by wicked men."—"I believe it" said he in another place, "a sound political maxim, that a thorough-going party man, never was a sound politician"—and yet in the address issued at Harrisburgh, to which Mr. Carey's name is affixed, whether with or without his consent the public know not, all those who will not submit to the "choice" there made, are denounced as apostates and enemies of the republic; and in the address written by Mr. Carey himself, the friends of Mr. Heister are declared to be actuated by sinister motives; in the same address he denounces those

who have had the courage to resist pernicious acts done in the name of a party, and he considers the safety of republicanism to depend upon thoroughgoing measures to sustain a party ascendancy. In the Olive Branch he declares, that "the wealth, numbers, talents and virtues," of the federalists, entitle them to a share in the councils of the nation, and yet in his late address he tells the republicans of Pennsylvania not to support Mr. Heister, because that gentleman will introduce into our councils some of the federalists of this state, forgetting that the late and the present governor, have without censure considered the federalists not exactly such helots, as our political moderators would make them. In the same volume, he gives the highest applause to those, who stepping out from the ranks of both parties, support or oppose measures as conscience directs; yet in his late address, he attributes to us the basest motives for adopting his own advice.

But, we will lay before you his own words, not for the purpose of proving inconsistency, already much more glaring than we could wish, but because the subject is really deserving of public consideration.

In page 10, of the preface to the Olive Branch, are these words:—

"Will the Norrises, the Latimers, the Walns, the Lewises, and other such estimable federalists, continue to regard with apathy the dangers of the country, and not make a bold and decisive stand to rescue her? No it cannot be so."

This was as emphatic an invitation, as language could convey, to the federalists, to make common cause with Mr. Carey and persons of his way of thinking, against dangers which threatened the country; yet, we, who sincerely believe, that the existence of our republic is more likely to be terminated by domestic corruptions and gradual usurpations, than by foreign arms, are denounced by Mr. Carey, upon his suspicion, that we desire the federalists to make common with us—and not only denounced, but accused of being influenced by motives, mean in themselves and perfidious towards our supposed allies.

But to proceed—the same preface says:

"In England, the opposition to the ministry is always violent, and like the opposition here, is too generally directed against all measures of government, whether meritorious or otherwise. But there is in parliament, *a substantial country party*, which occasionally votes with the minister, and occasionally with the opposition, *supporting or opposing measures as conscience directs*. It is

"a most unfortunate fact, that, in congress, the number of members of this description is very small: that body may be generally classed into federalists and democrats, *who too frequently vote in solid columns*. There are, I grant, *laudable exceptions, but they are rare*."

If we needed an apology for our conduct, since we first commenced an opposition to *caucuses, proscriptions, and other abuses*, what could so well answer our purpose as this? If we had any doubts about our right and our duty, to vote as conscience directs, would they not by this language be removed? If we had not been aware of the shame of voting in solid columns for measures good or bad, would we not by his lesson be instructed? Such was the language of Mr. Carey two years ago, yet he now deems voting in solid column for a caucus nomination, the perfection of republicanism! But these quotations, emphatic as they are, are weak in comparison with this:—

"*This (voting in solid column) is one of the worst features in the situation of the country. The indiscriminate adherence to party, and uniform support of party arrangements, ENCOURAGE THE LEADERS TO PROCEED TO EXTREMITIES, and to adopt VIOLENT and PERNICIOUS MEASURES, which the good sense of their followers may reprobate, but from which they have not fortitude enough to withhold their support.* This has been, in all countries, *the most frightful of the consequences of the unholy and deleterious spirit of faction.* Men, originally of the purest hearts and best intentions, are by this *ignis fatuus* (infatuation) *gradually corrupted, and led step by step to unite in acts, which at the commencement of their career they would have recoiled from with horror and affright. I believe it a sound political maxim, THAT A THOROUGH-GOING PARTY-MAN NEVER WAS A SOUND POLITICIAN*; for there hardly ever was a party, that did not fall into errors and crimes, more or less gross, in exact proportion to the folly or the wickedness of its leaders"

This is a quotation, from the *Olive Branch*, which in every line presents a text for a letter, but surely the subject is made so plain in the extract itself, as to require no extended commentary. We are thus told in the *Olive Branch*, that the voting in solid column is pernicious in its effects, and yet in *Mr. Carey's address*, we are told that it will be pernicious not to vote in solid column. We are told in the *Olive Branch*, that leaders are induced to adopt pernicious measures, by their ability to make the people adhere to the solid column of party; and yet in *Mr. Carey's address* we are told that we shall injure republicanism if we do not

adhere to party, in support of a nomination which we have proved on his own authority to be alarming and pernicious in its nature and consequences. We are told, *in the Olive Branch*, that leaders propose measures which their followers reprobate but have not the fortitude to resist; yet, in *Mr. Carey's address*, those who have the fortitude to resist are denounced for doing so. We are told *in the Olive Branch*, that by the *infatuation of adherence to party*, men are gradually corrupted and led step by step, to acts, at which they would at first have shuddered; and yet, *in his address*, we are told that unless we adhere to party in support of Mr. Carey's favorite candidate, we shall injure republicanism and prove our own corruption. We are told, *in his Olive Branch*, that a thorough-going party man, never was a sound politician; and yet, *in the address*, we are told that those are unsound, who are not now thorough-going in support of *a measure*—which, we assert, was *adopted by leaders* in consequence of their supposed ability, to make the people vote in solid column, by the infatuation of adherence to party, and through the apprehension of proscription in case of resistance.

There is not, indeed, a sentence in this quotation from the Olive Branch, which does not flatly contradict and rebuke Mr. Carey's address; nor is there a sentiment in it, which does not support the very arguments which we ourselves have used. We have told our countrymen, that this voting in solid column for measures right or wrong, has been pernicious and degrading: We have told them, that it is owing to the infatuation of adherence in all cases to mere party, that the most odious acts have been perpetrated in the name of the people: We have besought them not to be corrupted or led step by step to commit acts at which they ought to shudder: We have urged them to have the fortitude to withhold their support whenever their consciences or judgments are not satisfied or convinced: We have warned them, that one of the most frightful mischiefs of faction, is the corrupting or terrifying good men under the name of supporting a party, into votes or measures which abstractedly would excite their abhorrence.

So, that far from apprehending any danger from the doctrines now advanced by Mr. Carey's address, we ought to rejoice at so open an avowal of them—*because* they enable us to contrast them with his convictions at a moment of reflection and calmness in his closet—*because* we are thus enabled to appeal from Mr. Carey as a partizan, to Mr. Carey as a public monitor—and *because* we are thus enabled to express our astonishment, that so many “men originally

“ of the purest hearts and soundest intentions, should by
 “ this *ignis fatuus*, the indiscriminate adherence to party,
 “ be gradually corrupted, and led step by step to unite in
 “ acts, which at the commencement of their career they”
 ought “ to have recoiled from with horror.”

No, fellow citizens, there is no inconsistency on the part of Mr. Heister or his friends, however notorious you may now consider the inconsistency of those who accuse us: it has been our practice and our pride at all times to vote as our consciences directed: we have always regarded a faithful adherence to principles, as the best evidence of attachment to republicanism: we abhor every effort to keep the passions and prejudices of mere party in existence: and we hail with delight the almost universal prevalence of harmony throughout the union: The example of New York, in electing almost without opposition, a distinguished statesman and enlightened patriot to the executive chair, is a happy demonstration that the ruthless spirit of faction has been laid in that state by the voice of a virtuous people; nor can we have a doubt, but that such honorable and magnanimous dispositions will influence ere long our countrymen at large. The republican governor of New Hampshire, in his late communication to the legislature of that state, has inculcated precisely such principles and sentiments as those which we have tried to impress upon the freemen of Pennsylvania. Nor can we, without violence to ourselves, omit this occasion to pay to the president of the United States, a just tribute of that applause and gratefulness which he merits and which we feel, for his late efforts to merge all party names and purposes in the appellation of Americans, and in attachment to principles—rather than to men.

..... Gratitude to the founders of our republic! duration to our admirable institutions! thanks to a free press, even abused as it is—the intolerance of faction has ceased to be terrific—the dread of denunciation, for an honest difference of opinion with the servants of the people, is succeeded by a spirit worthy of Pennsylvania—the “*ignis fatuus*” of mere names will not lead our worthy countrymen to unite in acts which they ought to shudder at: Thanks to the growing intelligence and liberality, becoming a free people, we may now without fear avow, that although we have been too proud to supplicate the co-operation of such of our countrymen as call themselves federalists, it will gratify every lover of his country to see them going to the polls, not as it is untruly said to elevate men, but to preserve those rights and liberties, which they or their fathers assisted to transmit for the common benefit of us all. Such an avowal as this, the

opposers of Mr. Heister will not have the spirit to make, because they trust to that "*ignis fatuus*," which they imagine will lead a majority of the people of Pennsylvania to bow before the mandate of a caucus: yet they have the meanness covertly to exult at the least prospect of aid from the very federalists, whom they revile, and whom they publicly profess to regard with abhorrence. No, our countrymen, who call themselves federalists, know perfectly well that we have made no compact with them, and yet they see us denounced, as disgraced for making a common cause, which is but the "hobgoblin" of a politically distempered imagination, and that too by persons who are whining in secret if not for the votes, at least for the indifference, of the federal party! Such conduct as this it is, that we would, and that we ought to, be ashamed of: We have with sincerity avowed our objects and our principles to all our countrymen--for their nature, we refer to the address of the Carlisle convention of the first of May last--and *we ask the support of those only, who believe the principles and the objects there avowed, to be sound and honorable.*

JOHN GOODMAN,
JOSEPH REED,
J. W. THOMPSON,
ISAAC BOYER,
W. J. DUANE.

Philadelphia, June 24, 1817.

CIRCULAR LETTER:

No. IV.

TO THE REPUBLICAN COMMITTEES OF CORRESPONDENCE.

What ! another letter after three that were so long? Even so, fellow citizens: nor will this fourth letter contain all that we have to say. Do you require an apology for this? If you do, we are prepared to offer one. If we despised public opinion, and had no respect for ourselves, we would have published but a single address: In that case, we would have avoided arguments and adopted assertions; we would have tried to confirm prejudices, not to remove them; we would not have explained the claims and merits of Mr. Heister, but would have filled our pages with calumnies against his opponent: Such an address would not have demanded labor or space; and we should have been certain that its calumnies and assertions would be read by thousands who would never see or hear their refutation. Undoubtedly such an address might have served a present purpose much better than a deliberate appeal to your patriotism and good sense; but would it have gratified you, or done honor to us? Would you not have been in the end disgusted, and we disgraced? No, fellow citizens, if we could not sustain the principles and the candidate that we advocate, without pursuing the unworthy example of our opponents, we should be content to see your rights and your feelings the sport of faction, for nine years longer.

Do not, then, be surprised, much less displeased at the extent of our discussion, since its length is a proof of our regard for you, and of our consideration for ourselves. It would indeed be highly gratifying to us, if we had no further occasion to hold the opposers of Mr. Heister up to public indignation: it has been an unpleasant task to point the finger of scorn at persons, who have claimed respectability; but, they left us no alternative between a manly exposition of their indecencies and inconsistencies, and a silent acquiescence in frauds upon the public judgment and feeling. We have, nevertheless, in all our appeals to you, acted defensively; and, if we have at all exhibited an hos-

tile appearance, it must be confessed that it was but a just retaliation for wanton and unprovoked aggression.

There is an aspersion, upon the character of Mr. Heister, in the address written by Mr. Mathew Carey, and signed by himself and other members of the committee appointed by the Harrisburgh caucus, *to which we call your particular attention*, and in order that you may attentively consider it, we shall make it the sole subject of this letter.

In exposing the misrepresentations, heretofore noticed in Mr. Carey's address, we endeavoured to seek an apology for them, in the affliction of political phrenzy, or in that habitual precipitancy which the Olive Branch avows to be characteristic of its author. Although it was imprudent on his part positively to assert that the Carlisle convention ordered secrecy to be observed, we might account for that unfounded assertion in misinformation; and although it was indecorous in him to attribute sinister motives to the members of that convention, not only without a tittle of evidence, but contrary to their solemn declarations, we might excuse even that charge, coming from a sort of public or indiscriminate accuser. But it is in vain that we seek in the ardor of party zeal, or in the impulse of precipitancy, any sort of apology *for that accusation against Mr. Heister, which we are now about to mention*. On the contrary, it conveys a character of premeditation and design, not only to rob Mr. Heister of deserved applause, but to distort an act of magnanimity into a base and degrading scheme on the part of Mr. Heister to cheat and corrupt his countrymen.

Most of you, fellow citizens, must be acquainted, with the origin and character of the act passed by the congress of the United States, at the session of 1815-1816, altering the compensation of its members from a *daily pay of six dollars*, to an *annual salary of fifteen hundred dollars*. It is not at all our duty or our desire to speak of the arguments for or against that measure: all that we have to do is to explain to you the conduct of Mr. Heister, as a member of the congress which passed that act.

On the 26th of February, 1816, Mr. Heister, in consequence of the alarming indisposition of a member of his family, asked and obtained leave of absence for ten days—See page 399, journal H. of R. U. S.

On the 4th of March, 1816, six days after Mr. Heister had obtained leave of absence, and five days after Mr. Heister's departure, colonel Johnson of Kentucky, for the first time introduced the subject of compensation, by moving that a committee should be appointed, to enquire and report whe-

ther the mode of compensation should not be changed :—
See journal H. R. page 443.

On the 6th of March, colonel Johnson reported a bill to change the mode of compensation :—See journal H. R. page 445.

On the 7th of March all business was postponed, except the compensation law—that bill was taken up, debated in committee of the whole, altered, reported to the house, and by the house passed a first and second time—See journal H. R. page 451.

On the 8th of March, the bill was finally passed: *yeas* 81, *nays* 67. Page 458.

It would be useless to call attention to the precipitancy with which this bill was passed, if the question had not a bearing upon the conduct of Mr. Heister. You see that, within *four* days after the subject was first proposed, the law was passed : and that even if the cause of Mr. Heister's absence had authorised his appearance within ten days after he left Washington, he must have travelled with unusual celerity, to have returned to give his vote.

Fortunately considerations or calculations of such a nature are not necessary. During his visit to his family at Reading, he heard of the introduction and passage of the bill almost at the same moment, and then to his friends and neighbors expressed his astonishment at the precipitancy with which the bill was passed, and his hostility to its principles : And on the same occasion he declared, that he would not accept for his own compensation more than six dollars per day.

After his return to Washington City, in the course of March, 1816, Mr. Heister again expressed his regret, that such a law had passed, not only to his colleagues from Pennsylvania, but to gentlemen of respectability, from whom we have had the assurance.

Prior to obtaining leave of absence, Mr. Heister drew, on the 24th February, 1816, his pay to the 3d of March, at the rate of six dollars per day, receiving from the sergeant at arms the sum of 543 dollars.

The session, however, was protracted, until the close of the month of April, 1816, and as usual the sergeant at arms, who pays the members, summoned those from Pennsylvania to draw the sums due to them respectively. At that time there had been drawn by the sergeant at arms, the sum of nine hundred and sixty dollars, due to Mr. Heister, at the rate of \$1500 per year : and accordingly the sergeant at arms tendered that sum to him, in the presence of several of his colleagues : Mr. Heister declared that he would not accept for

his pay, any more than six dollars per day, and that the residue might remain in the treasury : the sergeant at arms replied that unless he accepted the full rate of 1500 per annum, the surplus over six dollars would remain unappropriated, or useless, or at all times to his credit : the declaration of the sergeant at arms was confirmed by several of the members of congress, when Mr. Heister said, " I accept this sum, but not for my own benefit, it shall be appropriated by me to some charitable purpose."

When Mr. Heister returned to his constituents in May, 1816, several of them enquired relative to the compensation act ; Mr. Heister answered, that, for his own part, he had not drawn for his own pay, more than the old compensation; and, when asked what would be done with the surplus, he said that he would as soon as his term of service should expire in March following, and as soon as he should have drawn the compensation for the second session, consult his constituents and do with the surplus as they should direct.

Mr. Heister's compensation, for the *first* session, amounted at six dollars per day, to the sum of about 850 dollars, exclusive of mileage : the sergeant at arms paid him 1503 : so that there remained, taking into account the mileage, which, however, it appears, Mr. Heister did not charge to his country, or accept from it, the sum of about 600 dollars. If it should be meanly said, that Mr. Heister had the sum of 600 dollars in his hands from April 1816, to March 1817, when he gave it to the poor, even that grovelling imputation is prostrated by the circumstance that, if the paltry interest of 36 dollars was to him of any use, he voluntarily relinquished by the mileage, more than twice that amount : such is the pitiful character of the opposition to him, that we make this incidental remark—we confess with mortification that there should be the least occasion for it.

Nor, indeed, is explanation of that kind necessary, for it will be recollected, that soon after congress adjourned, popular opinion called for a repayment into the treasury, of the surplus ; and that at the next session an effort to oblige the members to refund was made, and voted for by Mr. Heister : so that the retention of the surplus until all questions of that kind were at rest, was not only justifiable, but perfectly correct.

The *second* session of the *fourteenth* congress began on the 2d of December, 1816, and closed on the 4th of March, 1817. On the 4th of December, col. Johnson proposed, and the house of representatives adopted, a resolution, appointing a committee to enquire into the expediency of repealing or modifying the compensation law, allowing 1500

dollars per year to each member. The committee reported to the house of representatives a bill changing the mode and amount of compensation ; the bill was amended in committee of the whole ; and, on the 17th of January, 1817, page 223 of journal H. R. the house proceeded to consider the amendments reported from the committee of the whole—as follows :

The first amendment proposed was “to allow a compensation of *six* dollars per day to each senator, representative and delegate, and six dollars mileage for each 20 miles going to and returning from congress”—in fact, a return to the old mode. In favor of this amendment the *yeas* were 81, the *nays* 91—and amongst the *yeas* will be found the name of JOSEPH HEISTER, page 221 of the journal H. R.

On the 18th of January, 1817, it was moved that the compensation of members of congress should be *ten* dollars per day : in favor of the motion 33, against it 134—amongst the *nays* the name of JOSEPH HEISTER ; page 229, journal H. R.

It was then moved to make the compensation *nine* dollars per day : the *yeas* were 43, the *nays* 123 : amongst the *nays*, JOSEPH HEISTER, page 230 of the H. R.

It was next moved to make the compensation *eight* dollars : the *yeas* were 76, the *nays* were 92 : amongst the *nays*, JOSEPH HEISTER, page 240 of the journal H. R.

On the 21st. January, it was moved to postpone the bill indefinitely, in other words to continue the 1500 dollar law : the *yeas* were 53, *nays* 115 : amongst the *nays* JOSEPH HEISTER : page 259, journal H. R.

An amendment was then moved that the 1500 dollar law “be and the same is hereby repealed”—the *yeas* were 85, the *nays* 81 : amongst the *yeas* JOSEPH HEISTER : 252, journal H. R.

It was then moved, that the accounts of the members should be so settled, that no member should receive for the past session of 1815-1816, or the present session of 1816-1817, more than *six* dollars per day : the *yeas* were 61, the *nays* 101 : amongst the *yeas* JOSEPH HEISTER : page 259, journal H. R.

It was then moved that the members should continue to receive for the remainder of their service the 1500 dollar compensation, and that it should not be at once reduced to six dollars : for the motion *yeas* 104, *nays* 62 amongst the *nays* JOSEPH HEISTER : page 2 2 ; journal H. R.

On the 23d January, 1817, the final question on repealing the 1500 dollar law, and returning to the old compensation, was taken and decided in the affirmative, *yeas* 138, *nays* 27 :

amongst the yeas JOSEPH HEISTER: page 272, of journal H. R.

On the 3d of March, 1817, Mr. Heister received from the sergeant at arms 1497 dollars, making altogether 3000 dollars. and receiving no part whatever of the sum allowed by law for mileage. He returned to his home in Reading, and after having consulted such of his constituents as he had the opportunity to see, on the 29th of March, 1817, paid over to the counties of Berks and Schuylkill, upwards of 1360 dollars, for the use of the poor of those counties, retaining only the compensation of six dollars per day.

In order, fellow citizens, that we might establish these facts, without any reference to a correspondence with Mr. Heister, we addressed letters to John Whiteside, Esq. member of congress from the counties of Lancaster, &c. and to Dr. Hahn, member of congress from Montgomery county, who were present at the conversations, in course of which Mr. Heister declared his resolution not to accept for his own use more than six dollars per day. We have received from Mr. Whiteside a letter, which we subjoin, marked A, and hope to lay before you a letter from Dr. Hahn. The clerk of the U. S. house of representatives having declared last spring, in this city, 1. That he knew the aspersions against Mr. Heister to be untrue; 2. That Mr. Heister had long before, in his hearing, declared he would appropriate his surplus pay to a charitable use; and 3. That he knew that several persons in Washington city wished Mr. Heister to devote it to the poor of that place—we addressed a letter to him; but, Mr. Dougherty having his estate in Kentucky, and having been there for some time past on a visit, we have as yet been unable to receive an answer. We also wrote to gentlemen of the highest respectability at Washington, and have been favored with answers; some of which we subjoin, marked B. and we pledge our own reputation for the truth of their contents. We also obtained from several gentlemen of Berks county a relation of facts, which we annex, marked C.

Having thus established :—

1. That Mr. Heister was invariably hostile to an encrease or change of compensation :—
2. That when the compensation act was passed, he was absent with leave, on a melancholy errand :—
3. That the act was proposed and passed within the four last days of the ten days allowed to him :—
4. That at Reading, in March 1816, as soon as he heard of the passage of the act he condemned it, and declar-

ed he would receive for himself only six dollars per day:—*twelve months before his nomination at Carlisle:—*

5. That he first drew his compensation at six dollars only:
6. That in April, he accepted about 600 dollars surplus, on the representation of the sergeant at arms, and of some of his colleagues, he declaring to them that he would devote it to a charitable use:—
7. That in May, 1816, he told several of his constituents what he had done and would do:—

Having established:—

8. That in January 1817, *two months before his nomination at Carlisle*; Mr. Heister voted on every question against the 1500 dollar law:—
9. That, he then voted, that for the past and present no more than six dollars per day should be allowed in the settlement of accounts:—
10. That, in March 1817, when all efforts to refund the surplus had failed, he drew the surplus and paid it over to the use of the poor:—

Having, we say, fully established all this; LISTEN, WE BESEECH YOU, FELLOW CITIZENS, to the charges invented and published, in an address written by Mr. Mathew Carey, and signed by himself and others, partizans of Mr. William Findlay:

“It was confidently asserted that Mr. Heister had not only
 “opposed the passage of the law, but had nobly and disinterestedly refused to receive any more than the usual
 “congress wages, six dollars per day. This report gained
 “him great credit and numerous friends. It was regarded as a favorable augury of the qualities of the future
 “governor. But unfortunately for Mr. Heister, those pretensions were canvassed—the proper records were investigated—and it was found that *these encomiums were*
 “*wholly destitute of foundation.* Mr. Heister *did not* vote
 “on the passage of the compensation law. He was absent from the house. It is not for us to say whether
 “he declined voting, *for the purpose of screening himself from the responsibility of sanctioning a bill which he foresaw would be obnoxious*—or whether his non-appearance
 “was accidental. Suffice it to say, *he was not in the house,*
 “and that all the applause bestowed on him for his strenuous and patriotic opposition, vanishes like the baseless
 “fabric of a vision.”

Here you behold, fellow citizens, a formal effort begun, not only to rob Mr. Heister of applause, but to load him with opprobrium; and upon what is this attempt founded?—why, with indignation be it said, upon *despicable insinuations*

and most pitiful quibbles: Mr. Carey first assumes it as a fact, that the friends of Mr. Heister had boasted of his having opposed the 1500 dollar law upon the floor of congress; and then, having himself manufactured this fact, he argues that, as Mr. Heister was not on the floor of congress, he was not opposed to the law! what an amiable, what a liberal, what a generous antagonist is Mr. Carey! The friends of Mr. Heister *never did say*, that he opposed the law on the floor of congress, *because* they knew that he had gone home to witness, perhaps the dissolution of a member of his family, before the law was proposed, and did not return until after it passed: *but*, they asserted that he had uniformly expressed his repugnance to it, in every place, and to every person, at which, or with whom, he spoke upon the subject, and that was frequently at Washington and Reading. But, even this contrivance, this forced conclusion, or this quibble, or by whatever name its sorry character can be defined, is liberal when contrasted with the insinuation silyly whispered into the public ear, that Mr. Heister shrunk from a vote: yes, Mr. Carey says, he searched the records, and yet he insinuates that Mr. Heister went out of the house when the vote was taken, whereas those records told him, page 399, that Mr. Heister had obtained leave of absence before any law, or resolution on the subject, was brought before congress! If he had searched the records, he would have ascertained the fact, and he might then have in the next place learned without much labor, that Mr. Heister had merely obeyed those feelings, which no brute would disregard, or man of honor sport with: If he did search the records, why did he suppress the fact, page 399—and if he did not suppress the fact, why assert that the records were searched? if the records were searched, why did Mr. Carey suppress the important information relative to Mr. Heister's votes in January, 1817, two months before the meeting at Carlisle? and if Mr. Carey did not search the records, why is it stated that they were searched? was that extracted which might serve a sinister end, and that suppressed which would have explained the truth?

Pleased, however, with the anticipation, that such insinuations would poison the public mind, the address proceeds in the same unworthy course, as follows:—

“ But independently of the encomiums bestowed on him for his imaginary opposition to the compensation law, his friends, as we have stated, have been loud in his praise, for his refusal to accept more than the six dollars per day. And it was universally believed that he had received exactly that sum, and no more, from the treasury. Here again we dis-

cover, that when "weighed in the balance, he is found wanting," as much as in the former instance. The protest which by this noble procedure, he was said to have entered against the selfish conduct of his colleagues, had no existence but in the imaginations of his friends. The facts of the case are simple. We submit them for your consideration.

"At the close of the session of 1815-16. Mr. Heister, in common with the other members of congress, received the full amount of his compensation of \$1500 per annum. He had no scruples of conscience on the subject. The money went to enlarge his enormous wealth. The session of 1816-17, closed in the same manner, will full payment to Mr. Heister. He had no more scruples than before. But on the 4th of March, he was unexpectedly recommended as a candidate for governor at Carlisle; and then for the first time did he feel any uneasiness at partaking of the obnoxious compensation. He was probably impelled by his friends to perform some popular act whereby to ingratiate himself with the public. Accordingly, he presented the surplus beyond six dollars per day, amounting to thirteen hundred and sixty four dollars, to the treasurers of the counties of Berks and Schuylkill. And this donation, which comes in so very "questionable a shape," was delayed until so late as the 29th of March. The time in which the measure was adopted, demands as much consideration as the measure itself.

"It is hardly possible to hesitate what opinion to form on this procedure. It has a most sinister aspect. If Mr. Heister believed the compensation law unjust—if he believed that members of congress were not entitled to more than six dollars per day—if his disinterested spirit spurned at the idea of receiving the extra pay, why draw it from the treasury of the United States? Why contaminate himself with any part of the 1364 dollars? or if he believed it to be an act of duty, with the money of the United States to relieve the landholders of Berks and Schuylkill from a portion of the taxes, why not have paid the surplus to the treasurers immediately on his return home? why wait for the illumination arising from his nomination as candidate for the chair of governor? Had he adopted either of these alternatives, there might have been less grounds for censure."

Surely, fellow citizens, you will admit that this caps the climax! Here is a string of assertions and insinuations, such as the annals of political or any other controversy, however voluminous or humiliating they may have been, have never before recorded. True it is, that Mr. Heister's friends did boast of his refusal to accept more than six dollars per day—and justly did they boast of it: but it is not

true that it was universally believed, that he received exactly that sum and no more, because it was boasted that he paid the surplus over to the poor, and how could he do that if he had not received it! O, Mr. Carey, how hard it is to support such assertions! How fortunate it is, that truth breaks forth even from the lips of those who think they are so snug! How cautious should we be, when weaving the web of misrepresentation, to leave no loop at which detection might enter! No, the "noble procedure," as Mr. Carey admits it to be, was not the creature of the imagination, but the offspring of a generous spirit, which looks down with mingled pity and contempt upon persons capable of committing such violence against the dignity of human nature!

True it is, that Mr. Heister did receive the whole three thousand dollars, else how could he have given 136½ dollars to the poor: but, 1. *It is not true*, that he had no scruples of conscience on the subject; 2. *It is not true*, that it went to enlarge his enormous wealth; 3. *It is not true*, that he first conceived the law obnoxious, or that he resolved to accept for himself only six dollars per day, *after his nomination* at Carlisle, on March 4, 1817; 4. *It is not true*, that he then first resolved to do this popular act—1. *Because*, in 1816, before any Carlisle convention was dreamt or thought of, he first avowed his intentions; 2. *Because* his avowals are established by unimpeachable testimony; 3. *Because*, to the general knowledge of most of us, the *past* conduct of Mr. Heister, in relation to the 1500 dollar law, was stated at Carlisle, on March 4, as one of the reasons why Mr. Heister ought to be recommended to the people for the station of governor; 4. *Because*, in January, 1817, two months before his nomination at Carlisle, he voted that all the members of Congress should refund the surplus, and place themselves as if the law had never been thought of; 5. *Because*, even if all this testimony were not in existence, the imputed conduct of Mr. Heister, his for the first time declaring himself against that law, when he was nominated, would have betrayed a want of common sense, and a contempt for the people; for the act would have been too glaring to impose upon any body, and would have met indignation instead of applause.

Nor is the remainder of this precious specimen of argument, truth, and liberality, less open to explanation: *why* Mr. Heister at length consented to accept the whole sum, has been already shewn, and is found in the annexed documents; and *why* he was not able to pay in Reading and Orwigsburg, the 136½ dollars, before his nomination at Carlisle on the 4th of March, 1817, is explained by this

very simple fact, that he only received the money at Washington city on the 3d of March, 1817—the lamp of Aladdin would have been necessary to the execution of such an exploit: and, however strong the claim of some of his opposers to the enviable character of conjurers, we never supposed that his country expected from Mr. Heister more than a good man and disinterested patriot could perform.

..... Thus fellow citizens, we have reached the close of our fourth letter: we might it is true, write another column, and there would be ample scope, and propriety too, for wielding the lash of severity over the backs of persons, who have so little feeling for a venerable patriot, brave soldier, and uniform friend to civil and religious liberty; but when we reflect, that those, who have so little feeling or gratitude for him, must have no great respect for themselves, we spare ourselves the pains of inflicting, and you the trouble of witnessing, so useless a punishment: Not doubting but that you will find in this letter and in the annexed documents, cogent reasons *for redoubling your efforts* to secure the state from disgrace, by placing in its first office, a fellow citizen who has always served his country faithfully, and who has never taken from its coffers a cent for the support of his family.

JOHN GOODMAN,
JOSEPH REFD.
J. W. THOMPSON,
ISAAC BOYER,
W. J. DUANE.

Philadelphia, August 1817.

A.

Extract of a letter, from John Whiteside, esq. member of the 14th congress, to a member of the committee of correspondence, appointed at Carlisle dated:

"Lancaster, July, 18th 1817.

"With regard, to your request, respecting the 1500 dollar law; I hope that I may not be considered as taking any part in the present electioneering contest, by merely stating the little that I know upon the subject.

Gen. Heister and I lodged together in the same house in Washington city; and I had an opportunity of knowing his sentiments. He was not present, when the 1500 dollar law was passed: on account of sickness in his family, he obtained leave of absence from the house, as may be seen on the journal of the H. of R. first session of the 14th congress, page 399, 1815-1816. Immediately after his return to Washington, he *expressed his entire disapprobation of the law*, and likewise his determination not to receive the extra compensation allowed by that law. In conversation with Gen. Heister respecting his not receiving the extra compeⁿsation.

sation, it was mentioned to him, that the money allowed to him by the law was placed to his credit, and would remain unappropriated to any other purpose, and that he might as well receive it as not : He in reply said, that he would lift the money, and would place the surplus, over his pay at six dollars per day in the treasuries of the counties he represented, for the use of his constituents. This is the principal part of what I recollect on this subject. There were others who heard the general's sentiments as well as myself : Dr. Hahn, the representative from Montgomery county, was frequently present when this subject was spoken of ; and I have no doubt, but that he will confirm what I have stated. The Dr. was also absent when the 1500 dollar law was passed, but on his return he as well as gen. Heister did uniformly disapprove of it.

Very respectfully, yours, &c.

J WHITE&IDE.

B.

Extract of a letter from a gentleman of Washington city, to a member of the Committee of Correspondence, appointed at Carlisle, dated—

Washington, July 17, 1817.

“ Mr. Dougherty is absent in Kentucky. I can, however, give you some correct information upon the subject myself, principally within my personal knowlege. I understood from general Heister himself, as well as from several other gentlemen who heard him converse upon the subject of the \$1500 law, that he did not intend to receive more than six dollars per day for his own private benefit ; that, if he took the surplus, he would appropriate it to some charitable purpose. Some of our citizens applied to him to make the donation of it to the poor of this city, but on reflection he concluded to make a donation of it, to the poor of his own district, which I think was just.

“ In regard to the pay, it is in my power to give you the most correct information. The sums paid to Mr. Heister were :—

“ February 24, 1816,		543	} 1508
“ April 27, 1816,		609	
“ March 3, 1817,			1497
			3000

“ You will perceive, that he drew 543 dollars on 24th February, 1816, and did not accept the balance of the first years compensation, until congress were about to adjourn at the end of April ; that he did not draw a cent of the last year's compensation until the last day of the session, and that he took no mileage for either session.

"After the famous 1500 dollar law was passed, the congress did not know the exact meaning of it, and accordingly applied to Mr. Rush, attorney general, to interpret it : the cause of the application was this ; some members were about to resign, having got better business, and as congress sat after the 3d of March, they wanted to touch the second year's salary ; and indeed almost all of the members wanted a part of it. Mr. Rush gave an opinion. that, as the law made it a salary office, they could not draw any of the second year's salary unless they remained three months, when they could receive one quarter's salary. They were not satisfied with this, but determined to pay themselves seven dollars and fifty cents per day so long as they remained after the 3d of March : and with the exception of *general Heister, Joseph Hopkinson, and John Sergeant*, I believe every other man of the Pennsylvania delegation took the whole amount, which was from 2000 to 2300 dollars *within the first year* ! for instance :

Mr. Abner Lacock, Senator, of Beaver Co.	\$2104—10
Mr. Jonathan Roberts, do. Montgomery	1990—60
Dr. Hahn, member for do.	1910—10
Mr. Darlington, (of Chester) - -	2631—00
Mr. Griffin, of Fayette, &c. - - -	2079
Mr. Ingham, of Bucks, &c. - - -	2011—70
Mr. Lyle, of Washington co. - - -	2102—20
Mr. Piper, of Bedford, - - - -	1956—30
Mr. Wallace, - - - - -	1963—&c.

Extract of another letter, dated :

Washington, July 29, 1817.

"In answer to your queries :—

- 1st. I *did* understand, in the course of the session of 1815-1816, when the 1500 dollar compensation law was passed, that gen. Heister did not intend to take more than six dollars per day for his own private use
- 2d. I cannot ascertain any thing certain respecting our citizens applying for the surplus, but at that time we had such a report.
- 3d. On the 3d of March, 1816, Mr. Heister drew his pay at six dollars per day from December to that day, which amounted to 543 dollars.
- 4th. On the 27th of April, 1816, Mr. Heister consented to accept 960 dollars, a part of that sum was for his pay from March 8, to April 27, the residue of the extra sum according to the new law. The sergeant at arms (who pays the members and keeps their accounts) tells me, that on this last occasion a conversation took place

between gen. Heister and several of the members relative to the surplus ; when gen. Heister stated, that he would give it to some charitable institution ; some member then observed to him, as he received the money in Washington he might as well present it to the poor of that place ; but, on reflecting a little, he replied that he would appropriate it to the use of his own district or in any otherway most agreeable to his constituents."

C.

We, the subscribers, do hereby certify, that, in the month of March 1816, gen. Joseph Heister came from the city of Washington to Reading, on account of the dangerous illness of a member of his family : whilst he remained at Reading, we had frequent opportunities of conversing with him on our public affairs ; and the subject of the compensation of members of congress was amongst other matters spoken of--G n. Heister said explicitly that he would not vote for any additional compensation, and that if the act under consideration should become a law, he would not accept as his own compensation more than the sum then allowed by law, namely, six dollars per day--At his return after the close of the session in April or May 1816, the subject of the compensation act was again spoken of, and we understood from gen. Heister, that he had not drawn for his own use more than he would have been entitled to, if the compensation had not been increased. He was asked what he intended to do with the residue of the sum to which the new law entitled him ; he replied that he did not know exactly how he would dispose of it, but he would make it known after the 4th day of March next, to wit--in 1817. At this as well as on other occasions, when the subject was spoken of he declared that he would not receive the new compensation for his benefit ; but would be satisfied with the old rate of six dollars per diem compensation. We further certify that we heard him declare this repeatedly before we had heard any thing of the convention at Carlisle.

Witness our hands, Reading, July 29th, 1817.

JN. BOYER,
DANIEL ROSE,
PETER NAGLE,
MICHL. MADEIRA,
GEO. BOYER,
JOHN BIRKINBINE.

CIRCULAR LETTER:

No. V.

TO THE REPUBLICAN COMMITTEES OF CORRESPONDENCE.

Fellow citizens—In the letters which we have already addressed to you, we have answered all the objections made to Mr. Heister and his friends, excepting the three, which we now proceed to notice; the present letter, therefore, will close our defence.

It is asserted, in the address written by Mr. Mathew Carey, and signed by himself and other members of the committee appointed by the Harrisburgh caucus:—

1. That the friends of Mr. Heister formed an electoral ticket, intending to prevent the election of Mr. Monroe:
2. That Mr. Heister is too old to execute the duties of governor:
3. That Mr. Heister in 1805, accused the whole democratic party of being ripe for a division of property.

1. It was obviously the purpose of those, who accuse us of having intended to oppose Mr. Monroe, to persuade our fellow citizens that any such opposition involved a dereliction of principle: in any other light the accusation would have been utterly destitute of object: If, then, opposition to a person, deemed the republican candidate, implies apostacy, what right had Mr. Carey and nearly all the advocates of Mr. Findlay in this district to make the charge?—they, who but a few years ago not only opposed the republican candidate Mr. Snyder, but by their votes actually secured the election of his opponent. If they had a right to oppose Mr. Snyder, and were not corrupt in doing so, why had not we a right, why was it corrupt in us, to oppose Mr. Monroe? We do not say that Mr. Carey and his friends, who now pretend to be the only immaculate republicans, were apostates when they opposed Mr. Snyder; but undoubtedly if what they say of us is true, they do not merit our charity.

But waiving all argument of that kind, let us come to the true question, whether what Mr. Carey's address as-

serts is true? We at once answer that it is not: Indeed that imagination must have been most extravagant, which could suppose, that at a moment when no opposition to Mr. Monroe was contemplated in any part of the union, a few delegates at Carlisle, should intend to make opposition two months before the election! such a project would have been not only useless, but grossly ridiculous. No, those, who recommended a second electoral ticket, had not the least intention or inclination to oppose Mr. Monroe; they avowed their real intentions as publicly as possible in their addresses; they simply resolved to commence an opposition to all caucus nominations whatever, with those hopes of future advantage, which are already, we believe, about to be realized. Far from entertaining hostility to Mr. Monroe, they deemed that moment, when there was not another candidate, as propitious to their real object: if any of them had preferred some other person to Mr. Monroe, they would have had an undoubted right to the exercise of their judgment; but no contrast or opposition, was thought of: And now the friends of reform in Pennsylvania more sincerely respect Mr. Monroe, than those who profess such an exclusive zeal in his favor: for he has lately avowed exactly such sentiments as they cherish; he has advised his countrymen to bury in oblivion all party animosities; he has urged them to unite in supporting our admirable form of government; and he has declared that such a union would not involve any compromise of principle. His opinions, therefore, are in exact accordance with those of Mr. Heister's advocates: Let the friends of Mr. Findlay reconcile them, if they can, with their efforts to perpetuate party contentions, and with their indiscriminate proscription of every one, who will not submit to their insolent dictation.

2. It is objected to Mr. Heister that he has passed the meridian of life! the first time, we think, that age and consequent experience, were ever urged as arguments against any candidate in Pennsylvania, or perhaps any where else. As usual, in all that has come from the caucus committee, the bow of exaggeration is bent with great freedom, in this instance: Those, however, who know Mr. Heister well, those who have for many years served with him in congress, declare that he is in the full vigor of mind and body: he is younger than the late governor M^r. Kean was, when Mr. Carey himself, and many of his associates, voted for him in preference to Mr. Snyder; and he is not so old in years or constitution, as many of the patriots who have honorably served their country in the cabinet and field. If such an objection as this had any force, our history would

not record the long services of a Franklin, a Jefferson, an Adams, a Clinton, a Gerry, a M'Kean, a Stark, a Shelby, a Pinkney, a Livingston, a Langdon, and of many other sages, who have been an ornament and honor to their country in old age, and in whom age had not been considered, or found, a disqualification for duties of the utmost delicacy and importance. Indeed, if we were to determine upon political fitness, by the age, and not by the services, mind and constitution, the present president of the United States ought to have been excluded, because he will be as old as Mr. Heister is at present, ere he will have closed the present term of his service. Public opinion, however, does not sanction the proscribing doctrine, which would deprive of honor and reward, all those who assisted to establish American independence: on the contrary, so long as there is one of those, who were virtuous in "the times that tried mens' souls," he can have very little regard for civil liberty who will oppose him with the weapons of misrepresentation and calumny.

3. It is said, that, in 1805, Mr. Heister accused the whole democratic party, of being ripe for a division of property; and Mr. Carey adds, that this accusation was amongst the causes of the defeat of the democratic candidate at that period. One would conclude from this, that Mr. Carey had not opposed the democratic candidate at that time, and especially that he had not in the least contributed to swell the stream of reproach, which he says overwhelmed the democratic party: yet it is notorious, that, if Mr. Carey did not employ his pen on that occasion, his purse assisted those who employed theirs, to give currency to whatever was then published.

Is it, however, true, that Mr. Heister made such a sweeping accusation? We answer, that it is not. The circumstances, we believe, were these:

On the 4th of July, 1805, at the house of James Lowry, near Meadville, Crawford county, certain toasts were drank by a company of persons celebrating the anniversary of American independence. A few days afterwards, the toasts drank on the occasion were published in a newspaper, and one of those toasts was stated to have been—"An equal distribution of *property*." The circumstance of such a toast, having been published, was seized with avidity by those who at that time co-operated with Mr. Carey; and, as is too much the case at all elections, this matter, which might have been, and soon after was, easily explained, was magnified and embellished to suit party purposes. Mr. Marmaduke Curtis, who had drank a toast—"an equal distribution

of justice," called upon the printer, and prevailed upon him to correct the mistake: the mistake was corrected in the original medium of error, but, as it is the improper practice, the correction was excluded from those newspapers, which found it convenient to disseminate the story. Confiding, therefore, in the truth of what was published as a fact; believing it true, that such a toast had been drank in a large company, and published at their desire; never having seen or heard of the correction; the late gen. Muhlenberg, in August 1805, wrote a letter to gen. Heister, urging him to support the election of Mr. McKean, and amongst other inducements, mentioned the toast which was published. No one can condemn either Mr. Muhlenberg, or Mr. Heister, for disapproving of such a toast: no one can be surprised that they both felt disgust at the utterance of such a doctrine: but no one can surely suppose that either of them ever imagined that such a project was contemplated by a whole party. Undoubtedly the letter of Mr. Muhlenberg was published, and it may be that its language was abused for a party purpose; but that Mr. Heister ever pronounced "the whole democratic party ripe for and determined on a division of property—an agrarian law," as Mr. Carey's address asserts, is as much at variance with fact, as it would have been absurd if said or suspected by any one. Such, then, is a simple explanation of an affair, which has on many occasions, been made the subject of crimination, without any intended impropriety in those implicated.

But, fellow citizens, now that we are discussing a question, in which AN AGRARIAN LAW is incidentally mentioned, it may be well to enquire—*whether*, although no such toast as that above mentioned was drank, and although no such accusation as that imputed to Mr. Heister was made by him, *we have not great cause to be alarmed at measures advocated by the warm partizans of Mr. Findlay involving consequences equally pernicious with those of an equal distribution of property?*

If we shall shew you, fellow citizens, not from a pretended toast of an individual at a festival, but from the records of the legislature, that the active partizans of Mr. Findlay, have already attempted to pollute the sanctuary of private rights, will not the exposition have the most serious influence upon your judgments? *If we shall shew you*, that attempts have been made to take private property from some of our citizens, and to transfer it to some others; contrary to the will of the owner, and without any equivalent from those coming into possession—will not this fact alarm you for your own safety? *If we shall shew you*, that an attempt

has been made to declare it an offence, for a judge to interfere to prevent the plunder of some of our citizens by others — will not this unexampled act convince you that the present is no common election ?

In making this appeal to you, we do not implicate any considerable portion of our fellow citizens ; we do not believe that in Pennsylvania, the number is great of those who would wish to take property that does not belong to them, and who instead of paying for it, would turn a judge out of court who should award restitution : no, to such an extent of dishonesty and shame, the people of Pennsylvania will never go. But, we assert, that many of the active partizans of Mr. Findlay, have already tarnished, as much as they could, the reputation of the state, by introducing into the hall of the legislature, a project NOT LESS UNSOUND AND PERNICIOUS THAN AN AGRARIAN LAW ITSELF.

Not content with exerting themselves, to keep in full vigor the flame of party animosity, the advocates of Mr. Findlay have appealed to the passions of persons, long engaged, to the injury of all parties, and to the disgrace of the state, in disputes about land titles. Indeed the partizans of Mr. Findlay seem to have considered themselves at liberty, to hold out hopes in the most desperate cases, with the expectation of securing votes for their candidate. Hence it is, that in those parts of the commonwealth, where there had been disputes between settlers and warrant-holders, and in which mutual concessions had nearly quieted contentions, THE TORCH OF DISCORD IS AGAIN LIGHTED, and Mr. Findlay is proclaimed the man, who will throw all his influence if elected into the scale of the settlers. Thus the axe is to be at once laid at the root of justice, and the ties of conciliation, for many years forming to the advantage of all concerned, and to the honor of the state, are to be rudely torn asunder.

Amongst the most active partisans of Mr. Findlay, are persons who had entered into agreements with settlers to keep them in possession, no matter what the courts of law should decide, on condition of receiving parcels of the land : those speculators, in order to compel the real owners of the land to compromise, year after year brought bills before the legislature, fraught with the most pernicious principles. Nevertheless the courts of law proceeded steadily in their equitable course, and the settlers, seeing themselves duped, in numerous instances abandoned the speculators, and made compromises with the real owners, or else left the state at once. It is to the remnant of those unfortunate persons, that the partizans of Mr. Findlay now apply for

help; it is to the very persons whom they have aided to ruin, that the speculators address themselves, although they know perfectly well that the people of Pennsylvania would spurn any governor, who should dare to trample upon the fundamental principles of society.

What, however, would be the result, should such means accomplish the elevation of Mr. Findlay, is, after all, a consideration pregnant with the most awful forebodings: No doubt, the people of this virtuous state would sustain, or at least retrieve, their character: No doubt the hall of justice, if shut up for a moment, would soon be opened: But what mind can dwell upon such a cessation of government itself, without the utmost anxiety and apprehension?

Do not imagine, fellow citizens, that what we thus say to you, is for the mere purpose of obtaining your suffrages for one man in preference to another; no, we have ample cause for our fears, and we think that you will concur with us in our anxiety, when we lay before you, not the toast, the argument, or the proposition of an individual, but A BILL, deliberately passed by a majority of the *representatives* of the people of Pennsylvania, at the last session of the legislature.

This law was introduced by Mr. REES HILL, the speaker of the house of representatives, on the 6th of February last, and was passed by a majority, on the 28th of the same month. it was introduced by that gentleman, who, it is believed, is personally interested in the issue, as he holds or lives upon land which another person bought from the state and paid for; and it was supported, we believe, by most of those members who voted in the caucus on the 4th of March to nominate Mr. Findlay: In order that no doubt may exist, we lay before you the bill itself, as it was adopted in the house of representatives—as follows:—

SECT. 1. *Be it enacted, &c.* That in all actions of ejectment, if it shall appear upon a trial that the plaintiff or plaintiffs, or any person or persons, under whom he, she or they shall claim, shall have made use of any fiction, deception, fraud, or forgery, by which means he, she or they became the original purchaser or purchasers of more than 400 acres of land within the boundaries described by the second section of the act of the 1st of April 1784, entitled “An act for opening the land office for granting and disposing of the unappropriated lands within this state,” the court before which any such action of ejectment shall be brought for trial, shall immediately dismiss the suit at the cost of the plaintiff or plaintiffs, and every judge who shall refuse his assent to the dismissal of any such action of ejectment, shall be deemed guilty of a misdemeanor in office.

SECT. 2. *Be it further enacted, &c.* That in all actions of ejectment where the title by which the plaintiff or plaintiffs shall claim, originated 21 years before the suing out of the writ of ejectment (except the plaintiff or the plaintiffs, or those under whom he, she or they shall claim, have been in the quiet and peaceable possession of said premises by an actual personal resident settlement within seven years next before the suing out of such writ of ejectment) the court before which any such action of eject-

ment shall be brought for trial, shall immediately dismiss the suit at the cost of the plaintiff or plaintiffs; and every judge who shall refuse his assent to the dismissal of any such action of ejectment, shall be deemed guilty of a misdemeanor in office.

Provided That the provisions of this act shall not affect in any manner the proceedings of the courts in any case relating to lands which have been granted to any officer or soldier for his military services, nor in any trial where the title is of the description mentioned in the fifth section of the act to which this is a supplement. *And provided also*, That the persons who have been incapable of possessing or suing agreeably to the provisions of the fourth section of the act to which this is a supplement, shall not be affected in any way by this act.

This bill, fellow citizens, is unfortunately couched in such language as will not be easily understood; but, to use the words of a memorial signed by Mr. THOMAS LEIPER, and presented to the legislature in March last, against the passage of this law, "IT IS THE MOST DIRECT INVASION OF PROPERTY THAT THE PAGES OF LEGISLATION EVER PRESENTED TO THE WORLD." It may be imagined by most of our citizens, that it strikes at the estate of one portion of the community only, but even if that were the case, what security have those who are spared to-day, that they will not be made the victims of rapacity on the next?

The bill, however, directs an absolute violation of the constitution, and therefore it is an attack upon us all. It declares, in effect, that no person, who shall have bought more than 400 acres of land, shall have a right to recover such part of it over that quantity, as has been taken possession of by another person: it declares that, if the father of a family, bought from the state 4000 acres of land and paid for it, his children shall not be able to go into court, and recover 3600 acres, of which, without permission or payment, strangers may have taken possession! It declares that no person, who has more than 400 acres, shall have a right to try his title before a jury, but that the judges shall at once refuse the owner of the land a hearing! It is of no consequence that the state sold and received payment from an individual for more than 400 acres; this bill declares, that the state, after selling and receiving payment, shall take back the land from the purchasers—for what purpose, do you suppose, fellow citizens? Not to keep it for the state at large, but to give it to persons who had illegally got into possession—Mr. HILL for instance!

But this description only includes the *first* section of the bill; the *second* section proclaims principles, if possible, more subversive of the inviolable rights of individuals than the first: the *first* section embraces only a particular part of the state, but there is not a citizen in the commonwealth whose rights may not be put in jeopardy by the second! To

use the language of the memorial above alluded to ; “ the
 “ immediate effect of the second section, is to deprive of his
 “ property and estate, EVERY OWNER OF A FARM, on which
 “ he has not, within seven years, been an actual resident :
 “ EVERY OWNER OF A HOUSE OR LOT OF GROUND, in any
 “ of our towns and villages, which he has let to tenants, un-
 “ less within the same space of time he has personally in-
 “ habited or occupied them ! If it should pass into a law,
 “ without alteration, and judges (notwithstanding their
 “ oaths to administer justice) should be found willing to
 “ execute it, its immediate effect will be, A TOTAL TRANS-
 “ MUTATION OF PROPERTY THROUGHOUT THE STATE, the
 “ tenant will directly become the owner without having paid
 “ a cent for the farm, the house, or the lot which he has
 “ rented, unless the landlord happens to have dwelt on or
 “ occupied the spot, and thus, BY A SUDDEN REVOLUTION,
 “ the owner may be instantaneously reduced to poverty. It
 “ is true, indeed, that if he happens to reside on the farm,
 “ or live in the house of another, he may, by an act of si-
 “ milar dishonesty, compensate himself for his own loss,
 “ by defending the possession against his own landlord ; but
 “ the widow and the orphan, who would not, in general,
 “ have the same means of redress, must sink in the storm
 “ without even a chance of succour from retributive ini-
 “ quity.

“ It may, however, appear hereafter, that an injury so ex-
 “ tensive is not proposed—that the operation of the law is
 “ to be confined to the proprietors of large bodies of land
 “ hitherto uncultivated, or cultivated only by agents or te-
 “ nants. If this shall be avowed, it will be only to change the
 “ locality of the injustice, it will be only to suspend the com-
 “ plaints of the whole by inflicting the evil on a part of
 “ the community—but it will be to enforce a principle,
 “ which, though applied only to a few or a single individual,
 “ is equally adhorrent to natural and chartered rights, and it
 “ will be to establish a precedent, which if once assented to,
 “ will terminate in tarnishing the character, reducing the
 “ population, and destroying the prosperity of Pennsylvania.

“ The rights which are successfully violated under one
 “ pretence to day, may, with equal success, be violated
 “ under another pretence to-morrow—and the imaginary ti-
 “ tle which this law may give, will, with equal facility, be
 “ destroyed by the next—Force must then be substituted
 “ for law—armed associations will take place of judicial
 “ power, and the interior of our country will gradually be-
 “ come a theatre of violence and outrage. These consid-
 “ erations need not be pursued—no feeling and no virtuous
 “ mind can reflect on them without horror.”

SUCH, fellow citizens, is the MOTIVE, and SUCH is the TENDENCY of a measure ardently supported by the partizans of Mr. Findlay (in the legislature last winter): SUCH is the ACT, which was adopted by a majority of those members, who voted in caucus for the state treasurer: SUCH are the PRINCIPLES and the OBJECTS of those persons, to whom an appeal is made, in order to secure their votes. *This is no illusion, no toast, no newspaper alarm: it is a solemn act proposed and adopted in one of the branches of the legislature, by persons, who now claim the confidence of Pennsylvania.*

If THIS is NOT AN AGRARIAN LAW, we do not know what such a law is: if THIS act does not contemplate more than an equal distribution of property, its meaning is altogether unknown to us: but, we believe that no one will hesitate to give it that character: *because, 1. it declares, in effect, that no man shall hold more than 400 acres of land: 2. it declares, that the owner of that quantity must reside on it, or any other person may take possession: 3. it declares, that if an owner shall not reside on his property, and another person shall take possession, the owner shall have no redress: 4. it declares, that if any judge shall hear the complaint of an owner against a trespassing occupant, such judge shall be dismissed from office.*

In 1805, when it was rumored that a toast was drank, recommending an *equal distribution of property*, the sentiment was ridiculed by many worthy men, because it was not supposed that any measure so pernicious could be for a moment entertained, except in the head of a maniac: But, here we find as pernicious a measure proposed and adopted in one of the branches of the assembly of Pennsylvania! and we find an appeal made to the occupants of other people's lands, in favor of Mr. Wm. Findlay, as the champion, who would reduce every man's estate to 400 acres, and secure the surplus to all that should occupy it!

When, fellow citizens, we reflect upon these circumstances, and bear in mind the project, which Mr. Findlay is said to have avowed; that the judiciary ought to have a *strong political cast*: When we reflect that Mr. Findlay has, without denial, been accused of having avowed to the late judge Yates at Pittsburgh, that any judge should be impeached, who would not execute an unconstitutional law, or in other words who should dare to question the constitutionality of any act of assembly: When, we reflect, that the authors of all those pernicious bills, introduced into the legislature, under the specious pretext of assisting settlers; but really to enable speculators to impose upon the honest

settler and the warrant-holder too ; when we say, such persons are amongst the most ardent supporters of Mr. Findlay ; we confess that we entertain fears of an administration, which would owe much of its force to the influence of such persons, and which would seem to be pledged to remove that strong barrier, between the people and oppression, an enlightened judiciary, independent of faction, uninfluenced by political passions, and only restricted by constitutional limits.

If no other considerations than these existed, they would be sufficient to prompt us to appeal to your patriotism and good sense : but when, besides encroachments upon your property—your rights and liberties are infringed, by legislative usurpation, and you are proscribed if you oppose the decision of a conclave, your honor and your spirit as well as your dearest interests, demand the earnest exercise of all your powers, to prostrate those schemes, with which Mr. Findlay and his partizans are “literally running over.”

JOHN GOODMAN,
JOSEPH REED,
J. W. THOMPSON,
ISAAC BOYER,
W. J. DUANE.

Philadelphia, August, 1817.

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